REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES July 11, 2002

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Wasson in the City Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Mayor Pro Tem Benjamin.

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Bob Sheckler (left meeting at 9:54 p.m.), Maggie Steenrod, Scott Thomasson and Susan White. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Harbormaster Joe Dusenbury, Community Development Director Judith Kilgore, Senior Planner Robert Ruth, Public Works Director Tim Heydon and City Clerk Denis Staab.

AGENDA REVISION

Mayor Wasson announced that New Business Item #3, Draft Resolution No. 02-133 Video Recording & Broadcast of Council Meetings, has been removed from the Agenda.

COMMENTS FROM THE PUBLIC

Tom Sitterley, 601 South 227th

Mr. Sitterly spoke in support of the Council forming a standing Finance Committee. He noted that since 1999 the City has faced a severe revenue crunch and, in his opinion, has continued to increase spending. While he agrees the Council as a whole needs to review and take action on financial matters, a Finance Committee is a good first step in reviewing ways to cut the City's budget. He strongly urged Council to consider freezing the City's budget at levels of the year 2001.

Stan Scarvie, 204 South 206th Street

Mr. Scarvie spoke against Council excluding the public from video taping Council meetings. He noted that the attorney for Highline Water District had informed their Board that the Open Public Meetings Act requires that video/audio taping of public meetings is allowed as long as it is not disruptive to the conducting of business.

John Colvard, 26485 Marine View Drive, Des Moines Planning Agencymember

Mr. Colvard addressed Council on behalf of the Planning Agency, offering to assist Council on evaluation of merits and disadvantages of proposed new regulations on cardrooms. He suggested the Agency could provide valuable feed back to the City Council on their deliberations concerning this matter.

Mysty Beal, 22628 16th Avenue South

Ms. Beal voiced the opinion that banning public video/audio recording of Council meetings would at the least violate the spirit of the Open Public Meetings Act. She felt this proposed legislation is designed to limit citizen participation in City Council meetings.

Bret Fish, 801 SW 168th, Normandy Park

Mr. Fish informed Council that he has been video taping for 32 years and was pleased that the draft resolution prohibiting the public from video taping Council meetings has been pulled from consideration.

BOARD & COMMITTEE REPORTS

Finance & Economic Development Committee

Councilmember Sheckler announced that the Committee was officially formed at the June 27th Council meeting.

Request for Proposals - Vehicle Towing/Impound Services

Upon questioning by Councilmember Sheckler, City Manager Piasecki announced that proposals will be accepted by July 24th. He advised that notification has been sent to approximately 15 firms. He noted that at least one firm as requested additional information, and he has requested that the Chief of Police gather the information to prepare an addendum to the RFP and that the deadline for acceptance of proposals may be extended.

Municipal Facilities Committee

Councilmember Steenrod noted that the committee is close to a recommendation on a dry stack storage in regards to the Marina Master Plan and should be bringing that back to Council soon.

Councilmember Steenrod reported that the Committee will be making a recommendation sometime in August in regards to the temporary housing of the Senior Services at the Senior Center annex site next to the Post Office, with a suggested cap of $200,000, to bring the facility up to standards.

Steven J. Underwood Memorial Park Ground Breaking Ceremony

Councilmember Thomasson reported attending the Ceremony held earlier this evening. He requested City Manager Piasecki convey compliments to staff on their efforts in creating this wonderful event, in particular Parks and Recreation and Police Departments.

SR 509 Executive Committee

Councilmember Petersen announced the next meeting will be held July 24th at SeaTac City Hall.

Fireworks Regulations

Councilmember White requested that Council re-evaluate instituting a ban on fireworks in the City. She noted that this year fireworks started a fire at Wooten Park and caused damaged at many of the other City parks.

City Manager Piasecki noted that he has asked the Chief of Police to prepare a written report regarding problems encountered this year.

Public Safety and Transportation Committee

Mayor Pro Tem Benjamin reminded everyone to buckle up, not only to avoid getting a ticket, but most importantly, to save lives.

Chamber of Commerce

Mayor Pro Tem Benjamin noted that the 43 Annual Waterland Festival will be held July 24th through the 28th. This year will be the 1st Fishing Derby for children with special needs.

PRESIDING OFFICER'S REPORT

Appointments of Members of the Council's Finance & Economic Development Committee

Mayor Wasson announced the appointments of Councilmembers Steenrod and Petersen, and Mayor Pro Tem Benjamin to the newly formed Committee. He noted Councilmember Steenrod will serve as Chair.

ADMINISTRATION REPORTS

Waterland Festival

City Manager Piasecki announced that Waterland Buttons are available for sale at City Hall.

Pacific Highway South Project Grant

City Manager Piasecki reported that, preliminarily, we have been awarded a grant in the amount of $2.85 million. There is one more approval that needs to be cleared through PSRC, but typically they take recommendations that have been forwarded to them.

4th Of July

City Manager Piasecki advised that the 3rd and 4th of July were very busy for the Police Department. He requested that the Chief of Police prepare a report that he will pass on to Councilmembers sometime in the next week or so.

Appointment - City Attorney

City Manager Piasecki announced that he has appointed Linda Marousek as City Attorney.

Appointment - Assistant City Attorney

City Attorney Marousek introduced the new Assistant City Attorney Richard Brown.

Fire Protection Marina Docks

Harbormaster Dusenbury and King County Fire District #26 Fire Chief Jim Polhamus briefed Council on the fire protection measures in place at the Des Moines Marina. The following was highlighted:

Risks & Prevention Measures:

- Replace & Upgrade Electrical System
    - Installation of new distributor panel made with stainless steel & fiberglass
- Hazardous Materials
    - Hazmat Shed - collect & dispose of property (solvents, varnish, etc.)
- Vessel Maintenance & Repairs
    - Proof of Insurance required of vendors & registration with Marina Office
    - Limits amount of work allowed on boats in the water
    - Derelict Boats - Marina Rule 12 requires boats must be able to get underway at all times

Fire Fighting Plans:

- Prevention
    - Annual Inspections by Fire Department
    - Marina Crew diligent in daily duties catch small problems before they become an issue

- Critical Issues
  - Good Access to head of docks with hydrants
  - Fire Boat at ready at the Marina, manned by dispatched Emergency Fire Personnel
  - Floating Docks: Distance is clearly marked, medal roof designed to melt, so fire goes up not sideways

<u>*Emergency Management Planning*</u>:

- Insurance Requirements
  - Review if tenants are carrying enough and up to date
- Moorage Agreement
  - Allows staff to salvage sunken boats
- Pre-Approved Clean-up Plan
  - Working on permits needed for heavy equipment prior to an emergency

In conclusion, Harbormaster Dusenbury informed Council that he is working closely with Fire District #26 to determine what technologies are available to detect and suppress fires to the docks as this is the greatest risk area. He also noted that internally the Marina is developing a plan to deal with the effects of a large fire, or any incident, that requires a large salvage effort.

Upon questioning by Council regarding the proposed dry storage facility, Fire Chief Polhamus advised that in Blaine, Washington is the headquarters for the National Fire Sprinkler Association, and the Director of the Association is actively providing information regarding new standards for sprinkler protection specifically for dry storage boat buildings. Therefore, the most modern standards will be applied in the design of the new facility.

Upon questioning by Council, Harbormaster Dusenbury advised that trailerable boats are not required to provide any proof of insurance, which is a problem since a lot of those boats wind up being in the Marina's overnight guest moorage. However, tenants in permanent moorage are required to provide proof of current insurance.

Councilmember Steenrod requested that all research that the Marina staff and Fire District #26 do on methods of fire detection/protection and which technologies may be the most appropriate, be reported back to Council at a future meeting. She felt this information is critical to ensure protection of the Marina facility.

Mayor Wasson questioned what is available in the event of a large fuel spill. Fire Chief Polhamus advised that foam has been used in the past, and that the Department does have enough foam on hand to contain spills between boats. He further noted that Fire Department has mutual aid agreements with the Port of Seattle Fire Department, so large amounts of appropriate foam could be brought into the Marina in a very short amount of time. He did advised that with the size of the boats at the Marina, once a fuel spill hits the open water it is usually more of an environmental problem than it is a fire problem.

<u>CONSENT CALENDAR</u> was read by City Clerk Staab. It was announced that Consent Item #10 has been removed by Administration.

1. 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 # 81534 through #81708 & electronic fund transfers in the total amount of $377,517.11

Payroll fund transfers in the total amount of $306,432.63

2. Motion is to authorize the City Manager to approve all vouchers for payment of the following claims during the period of July 12, 2002 through July 25, 2002:

a. All vouchers for payment of payroll checks, including Marina payroll, and

b. All vouchers for payment of claims and Marina checks, provided that all vouchers and checks approved by the City Manager in accordance with this motion shall be presented at the August 1, 2002 Council Meeting.

~~3. Draft Ordinance No. 02-122 - Title: An Ordinance of the City of Des Moines, Washington, relating to the acquisition by eminent domain of certain property in the City of Des Moines; describing the public convenience, use and necessity of such property; providing for the condemnation, appropriation and taking of such land, including the mode of payment of cost of acquisition; and directing the City Attorney to prosecute such action in King County Superior Court.~~

~~TWO MOTIONS: First motion is to suspend Council Rules 26(b). Second motion is to approve Draft Ordinance No. 02-122.~~ [ED NOTE: This item was removed at the request of Councilmember Steenrod.]

~~4. Draft Resolution No. 02-131 - Title: A Resolution of the City Council of the City of Des Moines, Washington, granting permission to the Greater Des Moines Chamber of Commerce to use Marina property and the Des Moines Beach Park (near the water) for pony rides, a petting zoo, arts and crafts sale, and sale of prepared food and non-alcoholic beverages.~~

~~MOTION is to approve Draft Resolution No. 02-131.~~ [ED NOTE: This item was removed at the request of Councilmember Steenrod.]

5. Draft Resolution No. 02-130 ***[ASSIGNED RESOLUTION NO. 932]*** - Title: A Resolution of the City Council of the City of Des Moines, Washington, relating to cable communication franchises and the merger of cable communications corporations.

MOTION is to approve Draft Resolution No. 02-130.

6. Motion is to approve the agreement for professional engineering design services for the South 216th Street/24th Avenue South Signalization Project with KPG in the amount of $55,989.52, and to authorize the City Manager to sign the contract, substantially in the form as submitted, plus authorize the City Manager or his designee to approve change orders up to an amount of 10% of the contract amount.

7. Motion is to purchase 1,347 square feet of land and improvements from Equilon Enterprises, LLC in the amount of $60,000.00 plus closing costs, and to authorize the City Manager to sign the Purchase and Sale Agreement substantially in the form as submitted.

8. Motion is to award the construction contract for the 2002 Arterial Maintenance Program to Tucci and Sons, Inc. in the amount of $217,945.50 and further to authorize the City Manager to sign said contract substantially in the form as submitted, plus authorize the City Manager or his designee to approve change orders up to an amount of 15% of the Contract amount.

~~9. Motion is to authorize Administration to purchase software upgrades of Microsoft Windows and Microsoft Office through the Microsoft Upgrade Advantage program in an amount up to $42,500.~~ [ED NOTE: This item was removed at the request of Councilmember Steenrod.]

~~10. Motion is to approve the lease of a location near a Des Moines Field House Park ballfield light standard for installation of a replacement ballfield light standard and equipment storage area to AT & T Wireless Services, Inc. for use as a wireless antenna location and to authorize the~~

~~City Manager to sign the lease substantially in the form as submitted.~~ [ED NOTE: Item was removed by Administration.]

Councilmember Steenrod requested Consent Items 3, 4 and 9 be removed from the Consent Calendar.

Councilmembers Petersen and Steenrod recused themselves from participation on Consent Items 3 and 7.

MOTION was made by Councilmember Steenrod, seconded by Mayor Pro Tem Benjamin, to approve the Consent Calendar as read, minus those items removed. Motion passed unanimously.

CONSENT ITEMS REMOVED

Consent Item #3 Draft Ordinance No. 02-122 ***[ASSIGNED ORDINANCE NO. 1304]*** - Acquisition of Property by Eminent Domain - 1st Reading

Councilmember Steenrod, referencing staff's background statement on the Agenda packet, noted that the statement that 3 written offers have been extended, is misleading. She noted that the 3 offers may all be identical, and she did not feel this is a negotiation when the price offered does not change.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, to suspend Council Rule 26(b) in order to enact Draft Ordinance No. 02-122 on first reading. Motion passed unanimously (5 to 0, Councilmembers Petersen and Steenrod recusing themselves.)

MOTION was made by Councilmember Thomasson, seconded by Councilmember Sheckler, to approve Draft Ordinance No. 02-122.

Councilmember Thomasson advised that there are many special procedures that must be followed during these property negotiations because the project is funded through federal, state and local grants.

City Manager Piasecki noted that when property owners demand a higher price than what the City's consultant appraiser has determined, then the owner is required to provide documentation to support that request.

Public Works Director Heydon informed Council that his staff has spent a huge amount of time with property owners in reviewing appropriate appraisals.

Upon questioning by Council, Public Works Director Heydon stated that staff will still continue to negotiate with the property owners, but can use this final tool if necessary to ensure the continuation of the Pacific Highway South Project.

VOTE ON MAIN MOTION: Motion passed unanimously (5 to 0).

Consent Item #4 Draft Resolution No. 02-131 ***[ASSIGNED RESOLUTION NO. 933]*** 2002 Nibble of Des Moines Festival

Councilmember Steenrod voiced the opinion that the 4th of July Fireworks over Des Moines should be subject to approval by the City Council in a resolution format.

City Manager Piasecki noted that this is the 2nd year for the 4th of July fireworks, which has proved successful. He advised that it has been handled Administratively through a Special Event Permit. He further advised that since the event seems to be growing, in the future Council will be involved in the approval process of the event.

MOTION was made by Councilmember Sheckler, seconded by Councilmember Steenrod and passed unanimously, to approve Draft Resolution No. 02-131.

Consent Item #9 Authorize Purchase of Software Upgrades

Councilmember Steenrod noted that it is necessary to make the purchase at this time to take advantage of a promotional event. She questioned the time frame for actual installation of the software and cautioned that adequate testing be conducted.

Assistant City Manager Loch explained that installation is expected to begin by the end of this month. He noted that we are already testing the software and have experienced no problems. It is expected to take 2 to 3 months for all the City's computers to be upgraded.

MOTION was made by Councilmember Steenrod, seconded by Councilmember Petersen, that Administration be authorized to purchase software upgrades of Microsoft Windows and Microsoft Office through the Microsoft Upgrade Advantage program in an amount up to $42,500. Motion passed unanimously.

8:58 p.m. Mayor Wasson called for a 10 minute break.

OLD BUSINESS

Duties of Finance & Economic Council Committee

Councilmember Steenrod, as Chair of the new Committee, voiced the opinion that the purpose was not to expend more City staff time in regards to reviewing vouchers, but to study some issues more in depth to review where expenditures may be reduced. This would probably be on a monthly basis however, initially may need to be done twice a month.

Councilmember Sheckler questioned the Economic Development issues that the Committee would be looking at.

Councilmember Steenrod replied that she felt the Committee would review methods for stimulating the City's economy by examining ways to attract new business into the City. Also, the Committee would conduct an in depth analysis on other ways to increase City revenues, including potential taxes. All this would be to formulate ideas to bring to the Council as a whole for any final decisions..

Councilmembers Sheckler and White felt that these issues are too much for a single committee to review, noting that economic development issues are an area of great concern to all of the Council.

Upon questioning, Councilmember Steenrod stated she expected the City Manager, Finance Director and the Community Development Director (when appropriate) would be the staff in attendance at the official committee meetings.

Mayor Pro Tem Benjamin noted that the City faces a $1.8 million shortfall and there is a lack of tax base within the City. He expressed concern regarding the immediate short fall of funding and the long term replacement issues that the City faces. Therefore he wholly supports the Committee reviewing economic development issues.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, to remand the following duties to the Financial and Economic Development Committee: 1) to review the City's financial situation and make recommendations to the Council regarding strategies to enhance revenues and strategies to decrease expenditures; and 2) to include a regular review of all vouchers, claim checks, electronic fund and payroll fund transfers.

Councilmember Thomasson requested that a new Council Rule be established to require minutes of Committee meetings be kept and distributed to the Council as a whole. He cautioned against special assignments versus general assignments, and strongly requested that the Committee get Council's consensus before undertaking special projects involving huge amounts of staff time.

Mayor Wasson commented that it is a job of all Councilmembers to have a good overview of City funds.

Councilmember Sheckler strongly encouraged that minutes be taken at all Committee meetings.

VOTE ON MOTION: Motion passed unanimously.

City Manager Piasecki stated that he will take it as Council direction to have legislation prepared to amend Council Rules to provide that all standing Council Committees be required to prepare written minutes of meetings.

Agenda Revision

Mayor Wasson announced that he will take the last item listed on the Agenda, Draft Resolution No. 01-160 Cedar Brook Town home PUD, first.

NEW BUSINESS

Draft Resolution No. 01-160 ***[ASSIGNED RESOLUTION NO. 934]*** Cedar Brook Town Home PUD - Design Review

City Attorney Marousek questioned Councilmembers Petersen, Steenrod and White, and Mayor Pro Tem Benjamin as to whether they had reviewed and familiarized themselves with the record of the original public hearing and second meeting on the subject item. All replied in the affirmative.

Community Development Direction noted that City Council reviewed the original request on September 27 and October 4, 2001 for a Planned Unit Development and associated subdivision for 30 townhomes. At that time the basic layout of proposed lots, streets and tracts were approved, but Council did not approve the preliminary plat until more detail and other design information could be provided.

Senior Planner Ruth presented an overview of the proposed subdivision that was presented to Council approximately 9 months ago. He advised that the Council's packet submittal includes 14 plan sheets of information for Council's review in determining whether to approve the proposed design of the Cedar Brook PUD and preliminary subdivision, conditions of approval, and findings of fact. He noted that three major changes have been incorporated: 1) Ally and related drainage system will be privately maintained, 2) Right-of-way improvements and alignment of the intersection of 20th Avenue South and South 240th have been addressed, and 3) guest parking is totally provided for on site.

9:54 p.m. Councilmember Sheckler left the meeting.

Senior Planner Ruth continued his presentation by noting that the design plans have been reviewed by staff for compliance with the RA 3600 zone design regulations, city surface water requirements and transportation standards and are in compliance. He concluded by noting sidewalk connections and landscape plans are provided for in common areas and areas adjacent to individual units.

Community Development Director Kilgore reminded Council that final design review will be handled by staff through the building permit process. However, policy decisions must be made by Council in approving the Final Plat that will come back to Council later in the process.

Councilmember Thomasson commented that while the PUD process allows for some flexibility, he still expressed some concerns about what exactly Council is approving. He felt that the Findings of Fact need to include any standards that Council may be granting relief from. He also noted that the buildings do not appear to meet the 30' height restrictions or modulation requirements.

Community Development Director advised that there is nothing new being introduced, and the outline of specific deviations on the PUD are clearly contained within the Findings of Fact.

Mayor Pro Tem Benjamin announced that he lives very close to the proposed development and has had conversations with other nearby neighbors regarding the development, therefore he felt there is a potential conflict of interest, and that he will recuse himself from this matter.

City Attorney Marousek questioned the remaining Councilmembers as to whether they felt they may have any potential violations to report in regards to the Appearance of Fairness Doctrine. All replied in the negative.

MOTION was made by Councilmember Thomasson to table the matter to the next Council meeting to allow Administration to amend the Findings the Fact and Approval of Conditions, language which clearly stipulates what the Planned Unit Development modifications are that are being approved. MOTION DIED for lack of a second.

MOTION was made by Councilmember White, seconded by Mayor Wasson, to adopt Draft Resolution No. 01-160 approving the design of the proposed PUD and related preliminary subdivision subject to the conditions recommended by Administration.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, to amend the motion that additional Findings and Conditions be added which clarify what standards are being modified through the Planned Unit Development and which ones are not. And, that those written items override the mapping that has been provided.

10: 29 p.m. **MOTION** was made by Councilmember Thomasson, seconded by Mayor Pro Tem Benjamin and passed, to extend the meeting another 15 minutes.

Upon questioning by Councilmember Steenrod, Senior Planner Ruth remarked that approximately two thirds of the site will not be disturbed, except a small portion of the 100' buffer along the wetlands for a sewer easement.

Councilmember Petersen commented that along 20th Avenue South, the easterly line of the property contains a steep slope heading west. He questioned how much fill will be needed. Senior Planner Ruth noted that the applicant is attempting to balance their "cut and fill" as much as possible. Therefore the higher areas will be cut down and some fill will be spread to the lower sections. However, he noted they will have to bring in structural fill for the roads.

VOTE ON AMENDING MOTION: Motion passed unanimously 5 to 0.

VOTE ON MAIN MOTION: Motion passed unanimously 5 to 0.

Request for Executive Session

Mayor Pro Tem Benjamin read a statement into the record that he has received information that the City has filed for reconsideration of Judge McDermott's order recaptioning the law suit brought by the Citizens for Des Moines. He read the following: "That by law, the City Manager through the City Attorney is duty bound to defend the City and its officers against any law suit that may be brought against either. The City has failed in its duty to legally defend the Council. The Council was forced to seek outside legal services. Now the City staff is attempting to take action to relieve the City from the responsibility established by law to defend its Councilmembers while acting in their capacity of officers of the City. The recent order from Judge McDermott confirms this Council's right to be defended by the City. Using public funds, the City Administration has taken upon itself an effort to interfere by opposing Judge McDermott's ruling and working against the best interests of the City's officers. I ask you, Mayor Wasson to call an Executive Session to discuss the City's actions."

Councilmember Steenrod felt this is a matter of public interest and therefore an Executive Session is not needed.

City Attorney Marousek noted that she is quite concerned about discussing this matter because while an Executive Session on litigation can be called to discuss with Counsel representing the City those matters, and she noted that she is the Counsel representing the City, but in the strange procedural status of this matter, she is now adverse Counsel to four of the Councilmembers. She advised that she would be happy to discuss with Councilmembers, individually, the reason for the motion that was filed. She feels this is not a topic for public discussion because it is litigation that effects the interests of the City. She felt that her obligations as an attorney do not permit her to discuss this matter with Council to the extent that Council is opposing parties to the City's interest. Again, she reiterated her offer to meet with members individually to provide copies of the documents she intends to file with the Court that will explain what is her analysis of the City's correct position.

Councilmember Thomasson commented that if the whole Council steps into trouble by accident, clearly the City as a corporation would be in defense of its board. However, in this case, concerning the matter that the law suit is about, "illegal Council meeting", the City's attorney advised that this was an inappropriate meeting of the Council. He noted that to him it appeared to be an illegal meeting and requested that the meeting not be held and challenged members to make that personal decision. He noted that at the point each member choose to hold the meeting, that became individual decisions, not a corporate decision of Council.

Mayor Pro Tem Benjamin advised that this was an order from the Judge that confirmed that the individual Councilmembers acted in their capacity as a City Council. He questioned at whose direction, or what policy, has the City chosen not to defend the four Councilmembers. He further questioned who is setting policy in the City.

City Attorney Marousek responded that she would be glad to discuss with Mayor Pro Tem Benjamin the documents that she intends to file with the Court and perhaps to provide some further answers to questions raised in writing by the Mayor. She again stated that these items cannot be discussed in an open meeting because they fall under Executive Session materials.

MOTION was made by Mayor Wasson, seconded by Mayor Pro Tem Benjamin, to direct Administration to withdraw any requests for reconsideration.

Councilmember Thomasson questioned under Appearance of Fairness who is actually eligible to vote on this. He challenged the four Councilmembers who are a party to the law suit, who are trying to get the City to cover legal costs for an action knowingly taken, that was likely illegal. He suggested waiting until the whole legal process, including any challenges to the Judge's order, are completed.

10:43 **MOTION** was made by Mayor Pro Tem Benjamin and seconded, to continue the meeting another 5 minutes (requires three fourths of the Councilmembers who are present & eligible to vote, to vote in the affirmative. Vote would needed to be 5 to 1 to pass.) MOTION FAILED by a vote of 4 to 2. Councilmembers Steenrod and Petersen, Mayor Pro Tem Benjamin and Mayor Wasson voting yes.

VOTE ON MOTION: Motion passed 4 to 2. Councilmembers Thomasson and White voting NO.

NEXT MEETING DATE - Regular Meeting July 25, 2002

ADJOURNMENT

The meeting was adjourned at 10:45 p.m. by time expiring.

Respectfully submitted,

Denis Staab
City Clerk