

REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES

October 24, 2002

The regular meeting of the Des Moines City Council was called to order by Mayor Wasson at 7:31 p.m. in the Council Chambers, 21630 11th Avenue South, Suite B.

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

ROLL CALL - Present: Mayor Don Wasson, Mayor Pro Tem Richard Benjamin, Councilmembers Gary Petersen, Maggie Steenrod, Scott Thomasson and Susan White. Absent: Councilmember Bob Sheckler (Illness). Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Community Development Judith Kilgore, and Deputy City Clerk Angela Chaufy.

MOTION was made by Councilmember White, seconded by Councilmember Thomasson and passed unanimously, to excuse Councilmember Sheckler.

Councilmember White reported that Councilmember Sheckler was healing from his recent surgery.

COMMENTS FROM THE PUBLIC

John Carroll, 24832 11th Avenue South

As chair of the Senior Advisory Committee, Mr. Carroll informed Council that he had been involved in working with the Municipal Facilities Committee to identify a facility for senior activities. He thanked Council for their support and asked them to approve the contract authorizing the remodel of the annex building.

Bob Ponds, 23116 30th Avenue South

Mr. Ponds thanked Council, the police department, and staff for their help in cleaning up his neighborhood. He said that Kings Arms Motel remained a problem. He requested that a video camera be installed in the back of the motel. Mr. Ponds requested that the Kings Arms Motel owner's business license be revoked as he felt that the hotel had a management problem.

Don Reicks, 21221 5th Avenue South

Mr. Reicks addressed Council regarding the placement of signs, particularly A-frame signs, in the rights-of-way. He felt that the signs violated the City ordinance and asked that Council address the issue.

Councilmember Thomasson stated that he had raised similar concerns with staff.

Linda Tualaulelei

As chair of ACORN (Association of Community Organizations for Reform Now), Ms. Tualaulelei thanked Council for the port-a-potty and swing for Midway Park. She asked Council to also address safety concerns by providing park lights.

Kay Sanchez, 22700 30th Avenue South, #B210

As co-chair of the Pacific Highway ACORN group, Ms. Sanchez said that the installation of lights at Midway Park would reduce prostitution and drug dealing in the park. As Puget Sound Energy shares the park, she suggested that Council ask them to help with the funding of the lights.

City Manager Piasecki noted that the issue would be discussed during the November 7, 2002 Council meeting. He said that the police department was working with the owners of Kings Arm Motel to address various issues. He noted that a proposed ordinance dealing with hotels would be presented to the Public Safety and Transportation Committee within the next month.

BOARD & COMMITTEE REPORTS

Judge's Decision Regarding Recall Effort

Councilmember Steenrod read the transcript of Judge Doerty's statement regarding the recall proceedings into the record. [*Editor's Note: Complete statement attached. Councilmember Steenrod read aloud from Page 2, Line 15 through Page 11, Line 12.*]

Municipal Facilities Committee

Councilmember Steenrod informed Council that the bid proposal for the Des Moines Activity Center Remodel project had come in slightly overbudget. She expressed hope that the project would proceed. Councilmember Steenrod announced that the marina bond proposal for the Master Plan would be presented to Council at the November 7, 2002 meeting.

Finance and Economic Development Committee

Councilmember Steenrod reported that the committee had discussed economic development.

City Manager Evaluation Committee

Councilmember Thomasson announced that he had met with the City Manager to begin the evaluation process. He would schedule a meeting with the committee members soon.

Paul Barden's Letter Regarding the Flagpole

Councilmember White informed Council that she had received a letter from Paul Barden regarding the condition of a City flag and flagpole. She noted that Mr. Barden expressed a willingness to help the City improve their condition.

Economic Development Roundtable

Councilmember White reported that she had attended an Economic Development Roundtable the previous evening. She felt it was important for the surrounding communities to support each other.

PRESIDING OFFICER'S REPORT

Paul Barden's Letter Regarding the Flagpole

Mayor Wasson announced that he had also received Mr. Barden's letter regarding the flag and flagpole.

City Manager Piasecki requested a copy of the letter so that he could follow up with the Park and Recreation Director.

ADMINISTRATION REPORTS

Illegal Signs

City Manager Piasecki informed Council that he had discussed the sign placement issue with the Community Development Director. He explained that the Code Enforcement Officer was responding to issues on a complaint basis as well as area by area. He said that the priority of the downtown area would be increased.

City Manager Evaluation Committee

City Manager Piasecki announced that he would provide the committee with their requested information by the end of the following week.

CONSENT CALENDAR was read by Deputy City Clerk Chaufy.

1. ~~Motion is to approve the minutes of October 3 and 10, 2002.~~

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 #82826 through # 82995 & electronic fund transfers in the total amount of \$626,920.39

Payroll fund transfers in the total amount of \$328,975.09

3. Draft Resolution No. 02-146 [Assigned Res. No. 940] - Title: A Resolution of the City Council of the City of Des Moines, Washington, related to the Des Moines City Council Rules of Procedure and amending Rule 23.

MOTION is to approve Draft Resolution No. 02-146.

4. Two motions:

A. Motion is to enter into Agreement No. GCA 3432 with the Washington State Department of Transportation for the overlay program to receive State funds in the amount of \$835,854 and to authorize the City Manager to sign the agreement substantially in the form as submitted.

B. Motion is to enter into Agreement No. GCA 3349 with the Washington State Department of Transportation for installation of low profile median barrier to receive State funds in the amount of \$350,000 and to authorize the City Manager to sign the agreement substantially in the form as submitted.

5. Motion is to approve the contract of the Des Moines Activity Center Remodel Project construction services with SKM Construction, in the amount of \$143,150, plus tax, and authorize the City Manager to sign the contract substantially in the form as submitted and to authorize the City Manager to approve change orders in amounts not to exceed 10% in total.

6. Motion is to authorize the City of Des Moines' participation in the grant application to the Economic Development Administration and, if successful, to authorize the City Manager to contribute up to \$5,000 in cash and up to \$5,000 in in-kind services including GIS and staff time to this project.

Mayor Pro Tem Benjamin removed Item No. 1.

Upon questioning from Councilmember Steenrod, City Attorney Marousek explained that a separate resolution would be required if Council wished the minute requirements noted in Draft

Resolution No. 02-146 to also pertain to council meeting minutes. She noted that Rule 23 of the City Council Rules of Procedure referred to committee meetings while Rule 12 dealt with Council meetings. Any revision to the City Council Rules of Procedure would require two readings.

Councilmember Steenrod said that she wanted to ensure that action items were identified in the minutes.

MOTION was made by Councilmember Thomasson, seconded by Councilmember Steenrod, and passed unanimously to approve the consent calendar.

CONSENT CALENDAR ITEM NO. 1

Mayor Pro Tem Benjamin clarified that the word “local” should be inserted in the last sentence of Paragraph 5 on Page 5 of the October 3, 2002 minutes.

MOTION was made by Councilmember White, seconded by Councilmember Thomasson, and passed unanimously to approve the minutes of October 3, 2002, as amended, and of October 10, 2002.

NEW BUSINESS

Economic Development

City Manager Piasecki noted that the following economic development presentation was in response to Councilmember Steenrod’s request.

Councilmember Steenrod introduced Des Moines Chamber of Commerce President Ed Coumou.

Mr. Coumou introduced Gary Peterson from the city of Tacoma’s Building and Land Use Division.

Mr. Peterson distributed a brochure highlighting the city of Tacoma’s building permit process. He said that the city had, over a period of ten years, developed a permitting system that served as an economic incentive to the community. Mr. Peterson informed Council that surveys indicated that customers desired predictability and timeliness as well as identified, practical, and consistent permitting requirements. The City Council addressed safety, code enforcement and community policing issues while the staff worked to develop an eight-week permitting process that met customer and staff requirements. A money back guarantee provision was incorporated into the permitting process. Additional staff was added to meet the eight-week processing requirement. Mr. Peterson said that Council also empowered staff to solve problems.

Mayor Pro Tem Benjamin felt that the city of Tacoma presented a great model for the city of Des Moines to study and follow.

Mr. Peterson identified knowledge and customer communication as keys to the success of the permitting process. He said that he would be available for any questions Council might have regarding Tacoma’s permitting process.

Upon questioning, Mr. Peterson said that all utilities, with the exception of gas, phone, and one cable company, were divisions of the city of Tacoma. He said that the eight-week clock began

upon receipt of a complete application. Mr. Peterson explained that the money back guarantee was not noted in the code but was a commitment of the department. He said that the Department Director had authority to revise fees.

Mayor Wasson noted that Tacoma had aimed their advertising at increasing economic development.

Mr. Peterson said that the city of Tacoma had experienced an increase in the number of development inquiries.

Mr. Coumou provided Council with an overview of the Governor's 2002 Economic Development Conference conducted September 12-13, 2002 in Spokane, Washington. He distributed a packet of conference materials to Council. Mr. Coumou defined economic development as the process of strengthening the economic vitality of a community. It entailed attracting quality businesses, improving the character and well-being of the area, and increasing City revenues in order to provide improved services to the citizens. Mr. Coumou felt that Des Moines currently faced a serious and deepening financial crisis. He said that Des Moines could achieve positive economic development while preserving its quality of life. Mr. Coumou informed Council that the conference focused on leadership, partnership, recovery, and results. Successful economic development efforts, current state issues, and partnership opportunities were also discussed. Mr. Coumou said that representatives from most cities in Washington as well as various Chamber of Commerce, Economic Development Councils, and other business groups were in attendance. He mentioned that no representatives from the City of Des Moines were present.

Councilmember White felt that regional efforts were important and representation was necessary even though the budget was tight.

Mr. Coumou briefly highlighted the following workshops he attended:

1. Washington State: The Gateway to Global Markets
2. Biotechnology: So What Is All the Fuss About?
3. The Marketing Clinic: Winning Prescriptions for Selling Your Community
4. Expedited Permitting as a Critical Economic Development Tool
5. Downtown Revitalization: A Key to an Economically Competitive Community

Mr. Coumou stated his belief that biotechnology would fit in Des Moines due to the city's close proximity to the airport, major educational and research facilities, and major suppliers. Mr. Coumou said that he had also gathered materials from the workshops he was unable to attend and said that he would provide further information about them upon request.

Based upon his experience at the conference and from discussing the city's situation with various experts, Mr. Coumou recommended the following actions for Des Moines:

1. Review zoning ordinances in order to remove roadblocks to development and to be in general "synch" with surrounding communities.
2. Create and implement a better commercial zoning variance mechanism.
3. Implement a "One Stop, Expedited Permitting" process.
4. Commit to downtown revitalization.

- Address the parking situation.
 - Enforce existing fire, safety and health regulations to clean abandoned or problem properties.
 - Improve signage for existing parks and points of interest.
5. Partner with other public and private organizations.
 6. Fund the Economic Development Council (EDC) and the Visitor's Center.
 - Possibly fund the visitor's center through the levying of a room tax.
 - Possibly provide the Des Moines Economic Development Council with office space or funding support.
 7. Consider low-impact retail at the Marina.
 8. Commit to a course of action and a time line.
 9. Get engaged and stay engaged in economic development.

Councilmember White clarified that low-impact retail was included in the Marina Master Plan.

Mr. Coumou explained that an Economic Development Council (EDC) steering committee was being formed. He said that the EDC would operate separately from the Chamber of Commerce. He invited Council to attend their meeting on November 6, 2002 at 8:00 p.m.

City Manager Piasecki informed Council that Community Development Director Kilgore and Park and Recreation Director Thorell were participating in the EDC.

Mr. Coumou said that the city of Renton was willing to share their expertise with Des Moines' Council and staff.

Councilmember Steenrod said that tours to Renton and Tacoma would be scheduled.

At 9:08 p.m., Mayor Wasson declared a ten-minute break.

Councilmember Steenrod introduced Community Development Director Kilgore.

Community Development Director Kilgore introduced Ray Moser, King County's Economic Development Manager.

Mr. Moser highlighted the following financing programs available to the city and/or developers:

1. Community Development Interim Loan Fund
The fund was based upon the amount of CDBG money allocated but not yet spent. Thirty-month loans were available and a bank would need to take on the loan based upon the assets of the company. The program was available to cities or businesses for business development, business expansion, or housing rehabilitation. The City of Kent utilized this program to purchase property for development.
2. HUD 108 Program
Program is described as "gap financing". Typical projects include office space, commercial businesses, and hotel development. The King County Block Grant Consortium must approve the project.
3. Small Business Loan
A loan for up to \$50,000 is available to a small business.

4. Industrial Revenue Bonds

This program was available to manufacturers for fixed asset expansion.

5. Economic Development District Infrastructure Grants

6. Public Works Grants

Grants available for infrastructure supporting basic industry development.

Matching funds, based upon unemployment figures, are required. The construction of Safeway on "C" Street in Auburn would most likely be funded through this program.

Mr. Moser noted that the first three programs listed utilized Community Development Block Grant Funds. As such, they required that for every \$35,000 loaned, one job must be created or retained, and 51% of the clients, jobs, or tenants (dependent upon the project) must be low to moderate income people. He informed Council that the city of Kent was supporting pending legislation that would allow tax increment financing based upon sales tax receipts. In regard to financing projects through the property tax, Mr. Moser explained that all four junior tax districts must agree to the use of property tax.

Upon questioning from Councilmember Steenrod, Mr. Moser explained that new CDBG money would be available in January. He encouraged Council to contact him if they had any questions.

Community Development Director Kilgore informed Council of the SW King County Economic Development Committee's roundtable meeting. She noted that the purpose of the committee was to develop an economic development strategy for SW King County and to prepare the area for the next economic cycle. At the meeting, elected officials indicated that the committee's efforts should continue through the work of the steering committee and through the formation of an executive committee. The executive committee would consist of one elected representative from each city, the Port of Seattle, and King County. The steering committee presented the following four options for the remaining available grant money to the roundtable's attendees:

1. Fund a Business Development Resource Center at Highline Community College for two years.
2. Fund a Business Retention and Recruitment Specialist to serve as a liaison between major local businesses and the area for one year.
3. Hire a consultant to develop a marketing strategy study.
4. Create a regional Public Development Authority, an independent legal entity that is able to develop property and secure development.

The attendees decided that the use of the grant money should be the Executive Committee's first order of business. Community Development Director Kilgore noted that a representative to the Executive Committee would need to be appointed by November 15, 2002.

Community Development Director Kilgore informed Council that an overview of an analysis of the strengths, weaknesses, opportunities, and threats of the region performed by representatives from Buffalo, NY, San Francisco, CA, and Portland, OR was also presented by the Manager of the Portland Redevelopment Authority. The speaker noted that the area had underutilized land, low housing and land costs, and accessible transportation. He suggested that a comprehensive program be adopted.

Councilmember White volunteered to serve as the SW King County Economic Development Executive Committee representative.

Councilmember Thomasson questioned whether the organization would require an interlocal agreement.

Community Development Director Kilgore suggested that the Executive Committee address that issue as they moved from the policy to implementation stage.

Councilmember Steenrod noted that Highline Community College had also been invited to participate in the committee.

Councilmember Steenrod announced that she had attended the Washington Alliance Program seminar hosted by the International Economic Development Council and the International Council of Shopping Centers. She thanked Assistant City Manager Loch for displaying information regarding the Pacific Ridge area. Councilmember Steenrod highlighted the following two projects shared at the meeting:

1. City of Kent Station Project – Two development companies partnered with the City of Kent to phase in development.
2. City of Bremerton Revitalization Project – The project includes renovation of the Marina area in order to create a tourist attraction that includes retail and office space, a hotel, a conference center and the Marina office. The city had also partnered with a private company for an ice-skating rink.

Councilmember Steenrod said that there were several exciting projects being developed and several people willing to share their expertise. She noted that Nathan Torgelson from the City of Kent was willing to address Council regarding their station project. Councilmember Steenrod said that the Finance and Economic Development Committee would be studying the economic development issues.

NEXT MEETING DATE - Regular Meeting October 31, 2002

ADJOURNMENT

At 10:09 p.m., **MOTION** was made by Councilmember White, seconded by Councilmember Thomasson and passed unanimously to adjourn the meeting.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk

CAUSE NO. 02-2-25376-3 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

IN RE THE MATTER OF RECALL CHARGES AGAINST CITY OF DES MOINES MAYOR
DONALD WASSON, COUNCILMEMBER RICHARD BENJAMIN, COUNCILMEMBER GARY
PETERSEN, AND COUNCILMEMBER
MAGGIE STEENROD.

VERBATIM REPORT OF PROCEEDINGS
JUDGE'S ORAL DECISION
HEARD BEFORE THE HONORABLE JAMES DOERTY

September 25, 2002

APPEARANCES;

JEFF RICHARD, Deputy Prosecuting Attorney, appearing on behalf of the city of Des Moines;

SCOTT M. MISSALL, Attorney-at-Law, appearing on behalf of Mayor Wasson and
councilmembers Richard Benjamin, Gary Petersen and Maggie Steenrod;

DAVE MIDDLETON, Attorney-at-Law, appearing on behalf of the complainant, Eduardo I.
Pina.

WHEREUPON THE FOLLOWING PROCEEDINGS WERE HAD AND DONE, TO-WIT:

ORDERED BY: SCOTT M. MISSALL (206) 682-3333

REPORTED BY LADD A. SUTHERLAND, RPR, CSR, OFFICIAL COURT REPORTER

WEDNESDAY, SEPTEMBER. 25, 2002; 3:39 PM

THE COURT: Thank you,

MR. RICHARD: Thank you, Your Honor.

MR. MIDDLETOM: Your Honor, may I provide a strict reply to comment of counsel?

THE COURT: If you do he gets to do one back because you're not the moving party. So I'm
going to deny you that opportunity, because I wouldn't figure out how to end it.

And, for the record, I'm also not going to consider the additional minutes of the June 6th and
the regular meeting that Mr. Middleton offered at the beginning of the proceedings.

This is a political situation. It's one of those places where law and politics come very closely together. It's always a bit disconcerting for the court to have to mess around with politics, especially when it's election year for judges. But we do have to as judges on occasion rule on political situations. Sufficiency of initiative petitions is an example, and proceedings to certify petitions to recall are another one.

I believe that the way that the legislature has intended the court to minimize its politicking or second-guessing political decisions, if I can put it that way, is indeed that the sufficiency of the charges has to be determined on the face of the charges and in no other way. And on the face of these charges the court concludes that they are insufficient. And I will not certify the petition for recall.

Particularly with respect to the Open Public Meetings Act the court is guided by substantial law promulgated in the Supreme Court and the Court of Appeals. And those cases have been discussed in the brief by the lawyers. But I just want to indicate that I'm relying on particularly the Supreme Court's decision in the Recall of Anderson, a 1997 case. And it originates out of Yakima County. But it did, have to do with a violation of the alleged --of the Open Public Meetings Act. And the intent requirement is the exceeding requirement when we're talking about a violation of the Open Meetings Act.

But I realize that it may sound like hair splitting when we are talking about the violation of an open public meeting and whether you had an open public meeting. There's no question that the meetings in question were open public meetings.

Especially if you compare them with what they might have been: That nobody knew about the meetings except the people that went to it and fixed up a deal in the back room. There's concerns raised about violations of the statute itself.

There can't be any conclusion that's reasonable, to my way of thinking, that there was a substantial violation of the statute, however, when the record of that open public meeting, where it's un rebutted that all seven council members were present and at least a hundred citizens were present. When we look at the transcripts from those proceedings it becomes very obvious that there is a legitimate dispute about the legal advice that the city attorney at that time was providing and how that was being viewed.

I believe that attached to the brief on behalf of the recall effort -- yeah, here it is -- is -- it's a memo to city council members from Gary McLean dated March 13th. And it is instructive, I think, to consider his conclusions about the procedures used to call the meeting on that occasion. And he concludes, quote, "Unless those requirements have been followed exactly, any action the city council takes may be subject to legal challenge."

He does not say in his memo, "Unless these requirements have been followed exactly you will be in violation of the Open Public Meetings Act." He is providing a prudent legal analysis. I'm not sure that any lawyer could conclude, based on what was known to Mr. McLean, that that was an illegal meeting. And there are members, clearly, of the council who did not agree with him, even insofar as he went. But he did not go so far as to say that this meeting is illegal. But he said it was going to cause you trouble. And it certainly did. These clients chose not to accept that lawyer's advice, but to make this point even more solidly. Some of the council members clearly expressed their disagreement with this legal analysis and talked about getting

other legal advice. So when you have that kind of a dynamic going on, for the court to conclude that there was intent to violate the Open Public Meetings Act is really not a reasonable conclusion for me to make. There was that different interpretation. There were different legal opinions. There was different advice. There may in fact have been a violation of the Open Public Meetings Act but the question is not whether or not there were violations of the Open Public Meeting Act or even whether or not it was an open public meeting; it is whether there was intent on the part of the elected officials to violate the Open Public Meetings Act. And that cannot be established on the face of this petition.

I also found instructive on this point -- and I recognized that this recall effort has made an effort to distinguish it -- The Estee case, which, like the Anderson case, again emphasizes that the -- in that case again the petition for recall was factually insufficient because the Intent by the board to commit the unlawful act was not established. So those are my observations or the reasons with respect to the Open Public Meetings issues.

The petition itself is instructive in this regard, too, I think. And Mr. Pina in paragraph 3 of his petition indicates, "I've reviewed the videotape of the March 13th, 2002 meeting of the Des Moines City Council attached hereto as Exhibit A. That meeting was held without proper notice under the Open Public Meetings Act as I understand the law it would have to be.

And, of course, with respect to the law it's not a matter of what he understands the law to be; it would have to be what the council members understand the law to be. And they would have had to have deliberately intended to violate the law,

I don't think it's exactly a matter of res judicata, but it is a little bit difficult for me to do an end run on Judge McDermot's findings. And I'm not going to do that. I think I would have probable made similar findings. And the facts under those circumstances -- and I can certainly see that there might be a variety of reasons for why the council members would order their attorneys -- or these council members would order their attorney to withdraw the motion to reconsider. And I can conclude that that is proof of a conflict of interest just because they would benefit by it. It may also be that the city would benefit by it. So that doesn't mean there was a conflict of interest.

There's also this bit about errors and omissions and insurance. I don't think it's a conflict of interest for the members of the council to want the case to be captioned whoever versus the city of Des Moines so that the city attorney would defend it and not them individually. So aside from whatever the outcome of the case might be, one reason might be that they wouldn't want to individually defend the lawsuit. That is perfectly reasonable given a situation that most elected officials find themselves in as elected representatives of the people. As I might say, elected representatives of the people generally of the state of Washington do not get a whole lot of salary. They wouldn't want to be looking at big legal bills. The conflict of interest would go to the outcome and the end result of the lawsuit.

The next problem, of course, with respect to the withdrawal of the motion is we -- besides the fact that it could have been intended for a variety of reasons -- and admittedly some of them might involve a conflict of interest -- I'd have to speculate, just as I have to speculate as to what some of the reasons that they had that would not be a conflict of interest are -- that the biggest problem is the bottom line of the whole thing, because we have no idea where this lawsuit is going or where it's going to come out.

So it's very difficult for me to conclude on the face of this petition that the instructions to counsel to withdraw the motion to reconsider is an act of misfeasance or malfeasance or a violation of the oath of office.

I think that the final allegation with respect to Mr. Peterson is really resolved by the timing of the restraining order and the injunction. And I think that would be the weakest of all of these allegations.

I did want to comment, because I think it may help the parties understand and the record to reflect the court's -- part of the court's reasoning and thinking about this petition. And I do want to say I did not take the petition to certify recall lightly at all. The political process in this part of the United States in my view is exceptional. It's exceptional because it is wide open. We do not have machine politics here. We have an initiative and referendum process that is extremely vexing to bureaucrats. But it's nevertheless an important part of government. The recall portion is important. This is politics. And I think sometimes people become dismayed about politics and government because it is political.

The proposed amendments to ballot synopsis in their first line with respect to each of the members -- the first one on the proposed synopsis is Ms. Steenrod's -- is the following proposed language: She voted contrary to the interests of the city. And the key word is voted. It is extremely difficult to get to misfeasance and malfeasance and a violation of the oath of office when the recall people are critical of the vote.

This is an entirely political situation. I don't live in Des Moines. I live in Seattle. I'm not familiar with Des Moines. It sounds like a pretty exciting place. But this is a political problem. And it does not rise, in my view, to the level of misfeasance or malfeasance or violation of the recall to have this.

Thank you all for your attention.

MR. MISSAIL: Your Honor, do I need to prepare an order?

THE COURT: I had an opportunity to review the findings of fact and conclusions of law that you submitted with respect to the pleadings. And I'll sign the original version of those.

MR. MISSALL: I'll leave those with you.

Counsel has been provided with a copy of that, of course.

THE COURT: This matter is concluded.

(The hearing in the above-entitled matter concluded at 4:04 PM.)