MINUTES RECAP

ORIGINAL

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MARYSVILLE CITY COUNCIL MEETING

MAY 27, 1997

CALL TO ORDER/FLAG SALUTE:

7:00 p.m.

ROLL CALL:

Mayor Weiser excused

MINUTES OF PREVIOUS MEETINGS:

City Council Meeting Minutes 5/12/97 Approved

Dave Aultman AUDIENCE PARTICIPATION:

CONSENT AGENDA: Approved:

Approval of 5/27/97 Claims in the Amount of \$361,465.33; paid by check nos. 34199 through 34398 with Check No. 34173 void. Approval of Liquor License Renewal for Chevron/PDQ Oil Company

#1103 and Fourth Street Market & Deli. Authorize Mayor to Sign 1997/98 Interlocal Agreement for the

Snohomish County Regional Narcotics Task Force. Authorize Mayor to Sign Agreement with TVW for Washington State Legislative Coverage on Marysville Community Access Channel 2.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

<u>CALL ON COUNCILMEMBERS</u>:

PRESENTATIONS:

REVIEW BIDS:

Diesel Tractor with Boom Mower

Fire District Awards

Bid Awarded to Coastline Ford Tractor

None

CURRENT BUSINESS:

NEW BUSINESS:

Alice McFalls Utility Variance; 7628 49th Dr. NE; UV 97-007

Sent back to RUSA for recommendation

Approved

Richard Lindblom Util. Variance;

5002 84th St. NE; UV 97-006 Authorize Mayor to Sign Contract

Approved

w/HASCO for Supplemental Police Services at the Cedar St. Apt.Complex

Professional Svcs. Contract w/ Amontgomery Watson for Edwards Springs Approved

Reservoir Cover/Liner Replacement Smokey Pt. Business Park Utility Approved Participation

State Avenue/Quilceda Creek Cul-Approved vert Analysis; Giles Engrg.Assoc.

SR 528 (67th Ave. NE to 83rd Ave. Approved NE); Perteet Engrg. Inc.

ORDINANCES & RESOLUTIONS:

Ord. 2128 Approved Affirming Hearing Examiner Decision to Rezone property owned by Scott & Diane Ray and Amending the Official Zoning Map previously Adopted in Ord. 772. Ord. 2129 Approved Affirming Hearing Examiner Decision to

Rezone property owned by Catherine O'Brien, and Amending the

official zoning map previously adopted in Ord. 772. Ord. 2130 Approved Amending Sections 14.07.060(f) and 14.07.070(d) of MMC as Amended in Ordinance 2117.

Res. 1847 Approved Granting in Part & Denying in Part Utility Variances for One Water Connection without Sewer for Sun Sik Choi for Property at 11621 55th Ave. NE, Marysville.

ADJOURNMENT:

10:20 p.m.

EXECUTIVE SESSION:

l. Litigation

2. Real Estate

Personnel

10:30 to 10:57 p.m.

No Action

No Action

No Action

RECONVENED & ADJOURNED:

10:57 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00407

CORRECTED: SEE 4291

MAY 27, 1997

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor (excused)

Donna Wright, Mayor Pro Tem

<u>Councilmembers</u>:

John Myers Ken Baxter Donna Pedersen

Mike Leighan Otto Herman

Shirley Bartholomew

Administrative Staff:

Dave Zabell, City Administrator Steve Wilson, Finance Director

Grant Weed, City Attorney

Gloria Hirashima, City Planner

Lt. Dennis Peterson, Marysville Police Dept.

Greg Corn, Marysville Fire Chief

Lt. Jeff Thornton, Marysville Fire Dept.

Ken Winckler, Public Works Director Wanda Iverson, Recording Secretary

CALL TO ORDER/FLAG SALUTE:

Mayor Pro Tem Wright called the City Council meeting to order and led the flag salute at approx. 7:00 p.m.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETINGS:

There being no corrections, Councilmember Herman moved and Councilmember Pedersen seconded to approve the minutes of the 5/12/97 meeting as presented. Passed unanimously.

FIRE DISTRICT AWARDS/PRESENTATIONS:

Lt. Jeff Thornton, in conjunction with Mayor Pro Tem Wright, Chief Corn, Fire Commissioners Kay Smith and Paul Rochon and Councilmembers Leighan and Baxter, presented plaques to Jeff Standish, Andrea Sheehan (not present), Steven and Debra Moore, Terri Johnson, Greg Flaucher, Tom Clark and Mark Anlauf for outstanding community service and specifically for helping to save lives in the last year in our community.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Dave Aultman, 5416 140th Pl. SE, Everett, WA 98208, presented a letter dated 5/20/97 to Ken Winckler and packet of materials to Council and stated that basically, the issue has not been resolved. He said he is very dissatisfied with the City as they have tried to make other proposals and can't seem to even get to "first base" on this situation. He said he has spoken to the Director of Public Works and is trying to get some feedback: Is it workable? He said he never heard back from the City; the City has the asbuilts, has all the information and he/Alyn Homes has to come to the City and depend on the City records and rely on the City to let them know if the proposal is workable. He said he has talked to the engineering firms who have all said the same thing and they have asked the City to look into it and are still in the same place as before. In fact, he said he thinks the City has been antagonistic. He then read from the letter again regarding the easement and spoke about meetings with the City. He said basically they are in the same situation and feel like they are in a lose-lose position; the City has not shown any initiative. He said if he had not pushed, he would not have gotten as much information as he has. The time taken to resolve the matter—6 weeks—is a little extreme and this is now affecting his livelihood and he is asking the City Council to appoint a neutral third party to come up with a resolution and both sides would be

MARYSVILLE CITY COUNCIL MINUTES MAY 27, 1997 Page 2

bound by that decision, he proposed. He said when his wife asked the City to move the pipe, the City responded that they didn't put it there and he has now made a proposal to the City, a proposal accepted by other jurisdictions in similar circumstances, so long as the footing of the house is below the pipe, it's acceptable to other jurisdictions, he said. He noted it's clearly acknowledged that there is an encroachment of the pipe and there is adequate space to move the pipe and both sides can win if someone will just listen. He said he doesn't see any point in the City trying to intimidate him into bearing all expense when it was not his fault.

Councilmember Bartholomew asked if he submitted the building plans and Mr. Aultman said yes, and they were approved.

City Planner Hirashima noted Mr. Aultman has requested the City waive all fees and the City doesn't feel a waiver is justified as it will require normal inspections.

Mr. Aultman said the plan has been approved and the City is asking for him to pay to move a pipe that he didn't put in.

Councilmember Bartholomew said she would like a response from the Public Works Dept.

Councilmember Pedersen said she sees her position as establishing policy and the staff as administering that policy. She asked who installed the pipe.

Mr. Aultman said Mr. Withers and Group IV did, with whom he has spoken but he thinks the City should go back to them; he is the third owner of the property and should not be held responsible for the pipe being placed in the wrong place. He said he thinks the City should go back to the developer.

Public Works Director Winckler explained that following last Council meeting, he met with the City Engineer and the Aultmans and following the discussion, Mr. Aultman was to make his proposal. They sent this letter and Public Works Director Winckler responded to it with Mrs. Aultman at great length (Mr. Aultman was not available). The City's recommendation was to have an engineer review the measurements. The asbuilt information was attached to Public Works Director Winckler's response, also and Mr. Aultman had asked for a catch basin to the east of his lot; it was indicated the City did not have a responsibility to do that.

City Attorney Weed noted he has not been involved in this situation.

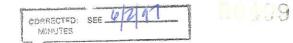
Mr. Aultman said he has asked for a locate on the pipe but he and the City have not worked through the problem.

Councilmember Baxter asked if the pipe was near the easement and Public Works Director Winckler said no, but if the City moved it in the easement, the pipe would then be too close to the foundation of where the building is staked; the City would move the pipe but Mr. Aultman would still have to give up a setback.

Mr. Aultman said the math just does not work; Alyn Homes gave 15' and don't feel it is their responsibility to go back and get this taken care of. Also, the City had an inspection responsibility for sticking to standards, he said.

Councilmember Herman noted the Council meeting needs to move on at this point and Mr. Aultman said he looks forward to the City's further response.

Councilmember Baxter asked if the real problem is the cost of moving the pipe and Public Works Director Winckler said even if it's moved there would not be 10' of setback and Mr. Aultman would have to change the design of the house.



Councilmember Baxter asked if the pipe couldn't be moved to the opposite side of the easement so he could have his setback. Public Works Director Winckler said if it were located in tandem with the sewer pipe, it appears he would have his setback. The City has offered to pay for another catch basin but the City did not want to pay for the entire pipe to be moved and felt this is something that needs to be resolved between the original developer and the new owner, he said.

It was the consensus this should be left up to staff to administer.

CONSENT AGENDA:

- 1. Approval of 5/27/97 Claims in the Amount of \$361,465.33; paid by check nos. 34199 through 34398 with Check No. 34173 void.
- 2. Approval of Liquor License Renewal for Chevron/PDQ Oil Company #1103 and Fourth Street Market & Deli.
- 3. Authorize Mayor to Sign 1997/98 Interlocal Agreement for the Snohomish County Regional Narcotics Task Force.
- 4. Authorize Mayor to Sign Agreement with TVW for Washington State Legislative Coverage on Marysville Community Access Channel 2.

Councilmember Bartholomew moved and Councilmember Myers seconded to approve Items 1, 2, 3 and 4 under the Consent Agenda. Passed with Councilmember Leighan abstaining on Voucher #34387 and Councilmember Baxter abstaining on Vouchers 34313 and 34232 under Item #1.

STAFF'S BUSINESS:

City Administrator Zabell reported he recently attended an Economic Development Infrastructure Phase I Study where it has been projected the county has a \$2.3 million shortfall (preliminary figure only) for water, sewer, correction facilities. He will continue to update Council on this, he said.

City Planner HIrashima reported the preliminary wetland study on the property next to the Public Works Building has been completed. The Planning Commission is reviewing over 30 small farms applications at their meeting tonight (downstairs) and a public hearing will be scheduled on this.

A public hearing has been scheduled for the Braschler Annexation, 6/12/97, she reported and the City Attorney has filed for a motion to dismiss the Barr appeal. She said the date of 6/12/97 can be changed if Council wishes, to the following meeting.

Councilmember Herman moved and Councilmember Bartholomew seconded to reschedule the public hearing to 6/23/97 as recommended by staff. Passed unanimously.

City Planner Hirashima noted another Comprehensive Plan amendment request has been received; a gentleman asked at the last Planning Commission Workshop if he could pursue this and submitted an application last Friday. He is attending the Planning Commission meeting tonight, she said and the Planning Commission/Dept. is looking for direction from Council on this. She added that the Comprehensive Plan amendment period is once every year but this person didn't have the need until recently.

Councilmember Pedersen said she thinks the City should try and stick to the once a year policy in order not to delay the other requests that came in in a timely manner.

City Attorney Weed stated the GMA only allows for once a year amendments; the City's Comprehensive Plan gives a cutoff of 30 days after the end of January. He noted this is the first round of amendments and everyone is not familiar with the rule so the question is whether the Council wants to abide by the law or have some flexibility.

Councilmember Pedersen asked how the 30 day notice was given and

City Planner Hirashima stated in the newpaper and also letters were sent to interested parties as well as a notice at the Post Office and City Hall.

Councilmember Baxter noted most people don't have a problem until they are trying to do something and they are not familiar with the rules of the GMA; this is one of the many things wrong with the Growth Management Act, he said, no flexibility. He said he thinks the City needs more control in their advertising.

Councilmember Herman said since it's a new process, it does seem like the City needs more public education.

Councilmember Pedersen said she would rather be a little more flexible in the beginning.

City Planner Hirashima noted this person was basically following the Comp Plan but his plans just recently changed for his property. She added she feels it's a very positive step that the City is reviewing the Comp Plan on an annual basis versus once every 10 years as in the past.

Councilmember Herman requested findings, more information from staff and City Planner Hirashima said at this time, there would only be a minor scheduling change, this latest request would not delay the whole process more than a week or so.

There was discussion about precedent setting.

Councilmember Baxter moved to allow the latest minor Comp Plan amendment request (as outlined by staff) to be considered, noting that the City's subsequent publicity should be more effective in the future. Councilmember Pedersen seconded and the motion passed 5-2 with Councilmembers Herman and Myers against.

Public Works Director Winckler reviewed Change Orders 3, 4 and 5 for the 67th St. project including flaggers, auditing and road surfacing, with a total cost of \$133,122 which amounts to 8% of the total contract. Combined with Change Orders 1 and 2, additional costs have now totaled 9.87% of the total project; any further change orders will require Council approval, he said, as administrative approval is only allowed up to 10% of the total project.

He reported there will be a hazardous waste roundup 6/4/97 at the Smokey Point Safeway and 20,000 Sprinkling Calendars were mailed out today, to be effective June 1st. He reported the 100th St. overlay project will be done Thursday, Friday and Monday with the City paying for the portion from Shoultes to 51st on 100th and the County picking up the portion from 51st to 67th. Also, there will be a DOH utility review/tour 6/13/97 for anyone interested to call Public Works. He also reported he will be meeting with the county Wed. 5/28/97 regarding the signal and traffic difficulties at 88th & State.

CALL ON COUNCILMEMBERS:

Councilmember Pedersen noted TVW is a wonderful additional asset and she thanked City Administrator Zabell for the multi-department reports.

Councilmember Baxter noted the 5/27 issue of the Herald had a picture of kids cleaning out a wetland and he wanted City Planner Hirashima to review that process.

Councilmember Myers reminded Council that the curfew goes into effect this coming Saturday night; the newspapers and schools have been notified.

Councilmember Bartholomew mentioned a Sept. 10 & 11 conference of the National League of Cities in Seattle where they are going to have a program regarding millenium software impacts.

MARYSVILLE CITY COUNCIL MINUTES MAY 27, 1997 Page 5

Finance Director Wilson said he agreed that someone should attend from the City.

Councilmember Bartholomew said she echoed Councilmember Pedersen's remarks about the activities/multi dept. summary and was particularly interested in the fact that 35 to 40 percent of the permits recently had to do with daycare centers as well as police statistics.

Councilmember Herman asked about a second access channel possibility and City Administrator Zabell stated Ron Hurd will be giving a presentation to Council in the near future about this very thing. He said he should have mentioned this under Staff Business, that the City has been approved for a \$2.3 million grant from Urban Area Arterial Development to improve State Avenue to 136th.

REVIEW BIDS:

1. Diesel Tractor with Boom Mower.

Councilmember Leighan stepped down.

Public Works Director Winckler reviewed the agenda bill and said staff is recommending the Coastline Ford Tractor bid of \$61,729.92 including tax. He noted \$50,000 was budgeted but there are monies from savings on previous street fund capital purchases.

Councilmember Herman said he would like to see more than one bid that meets specs; i.e., a more competitive bidding process. He also asked about the performance level of the equipment.

Charlie Anderson, Fleet Maintenance Supervisor, explained the Model A has been out for quite sometime but is a lighter duty machine. The Numac is a relatively new machine but the county added 12 to their fleet a month ago and the Numac is also used extensively and effectively by the Forest Service, he said. He noted it is made by a local company and it was preferred because they have had quite a few problems with the Alamo Model A.

Councilmember Baxter commented that he knows the Alamos have been too costly to maintain.

Councilmember Bartholomew expressed a concern about the bidding process used and Councilmember Pedersen said she echoes that concern and would like more bids available that meet specifications.

Public Works Director Winckler stated Alamo has heavier duty equipment but they chose not to bid it.

There was further discussion about low bids, more competitive bids, limited number of places to get a bid from in this case.

Councilmember Myers moved and Councilmember Baxter seconded to accept the bid from Coastline Ford Tract in the amount of \$61,729.92 as recommended by staff. Passed 5-1 with Councilmember Herman against.

Councilmember Bartholomew strongly suggested the bidding process be reviewed. Brief discussion followed.

Councilmember Leighan returned to Council Chambers at 8:45 p.m.

NEW BUSINESS:

1. Alice McFalls Utility Variance; 7628 49th Dr. NE; UV 97-007.

Public Works Director Winckler reviewed the agenda bill, noting they have received a \$3200 estimate for a new drainfield and an estimate of \$400 for decommissioning the well, vs \$16,470 plus tax (estimated) to hook up to the sewer line. It was noted staff is recommending this be tabled until further information is obtained

about the line installed on 49th.

Rick Pertellin, 921 N. Broadway, Arlington, representing Mrs. McFalls, addressed Council. He stated she is on a limited income and can't afford to hook up to the sewer. He said they would rather have a variance to put a leechfield on the property and decommission the well; she needs the additional leechfield for when she has relatives from out of town, he said. She really can survive on her own, otherwise, but needs additional capacity for when she has out of town guests, he said.

Councilmember Pedersen said she knows the encouragement is for sewer hookup, however she believes there is a health problem and the recommendation to go with the septic repair.

Mr. Pertellin noted Mrs. McFalls approached neighbors about an LID and no one wishes to participate at this time.

There was discussion about the present sewer line and whether granting this variance would be precedent setting.

Councilmember Bartholomew moved to send this matter back to RUSA and to bring it back next Council meeting, after the RUSA meeting. Councilmember Herman seconded and the motion passed 6-1 with Councilmember Pedersen against.

It was noted the next RUSA meeting would be 6/12/97 and so this matter would be on the 6/23/97 Council agenda.

2. Richard Lindblom Utility Variance; 5002 84th St. NE; UV 97-006.

Public Works Director Winckler reviewed the agenda bill and noted staff recommends approval with conditions as per the agenda bill. There was discussion about the variance running with the land, future property owners not knowing about an LID, annexation covenants.

Harold Kipperberg, 12706 48th Dr. NE, addressed Council. He said he took exception to Mr. Baxter's comment on this being a back door approach; they have worked on this project since 4/95 and are willing to pay the front footage and have already paid Jubie to run the line through his property. He said they are just trying to develop 3 lots, has lived here all his life and is willing to pay their fair share. He said it is very doubtful they will make much money on this but they would like to have this approved as soon as possible.

Councilmember Baxter moved and Councilmember Leighan seconded to approve the utility variance for (3) water connections and (5) sewer connections pending the applicant participates in future sewermain extension in 84th St. NE and prior to service, the applicant would be required to sign an agreement that when the sewermain is extended along 84th St. NE (private extension or formation of an LID), they would pay the recovery fees or assessment fees; applicant would also be required to submit a valid annexation covenant to the City of Marysville. Motion passed 6-1 with Councilmember Herman against.

3. Authorize Mayor to sign Contract with HASCO for Supplemental Police Services at the Cedar Street Apartment Complex.

Lt. Peterson explained this is for 30 hours per week for 30 to 45 days and would constitute police officers working overtime. After 45 days, the hours would be cut back to about 16 hours per week; they just want a high impact on the neighborhood, he said as they will be towing cars, doing demolition work, etc. He noted Lynnwood has a similar project, units designed for working parents with onsite daycare. They are very successful units in Lynnwood. He explained there is some flexibility in the number of hours to be worked.

MARYSVILLE CITY COUNCIL MINUTES MAY 27, 1997
Page 7

There was discussion about the number of police calls already to the existing complex, Housing Authority taking over ownership as of midnight 5/27 but still paying taxes to the City, more families will be living there and the hope is that the number of police calls will go down, MSAC will help patrol, more police time to be freed up, this property stays on the tax rolls, contract has been reviewed and approved by the City Attorney, Lt. Peterson to bring back supplemental/follow up report to Council.

Councilmember Myers moved and Councilmember Bartholomew seconded to authorize the Mayor to sign the contract with the Housing Authority of Snohomish County. Passed unanimously.

4. Professional Services Contract with Montgomery Watson for Edwards Springs Reservoir Cover/Liner Replacement.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends approval of the agreement with MOntgomery Watson, subject to the City Attorney's review and approval.

Greg Harris, Montgomery Watson, 2375 130th Ave. NE, Bellevue, made a presentation, pointing out ponding, surface debris, cuts in cover problems. He gave a brief outline of the scope of work, to include need to minimize down time, construction timing, operation and maintenance considerations, funding, embankment stability, surface water treatment, DOH concerns, liner/cover alternatives, replacement vs repair, weights and floats system to be used to create drainage channels, etc. He explained different materials to be used for the cover and liner as well as warranties and that the best construction time would be Fall 1998 as the lowest water usage is in the fall.

There was discussion about cost and time frame, Everett to give back up support during time our reservoir is down, still some things to be reviewed in the contract by the City Attorney.

Councilmember Baxter moved and Councilmember Pedersen seconded to authorize the Mayor to sign the contract with Montgomery Watson, subject to staff and City Attorney final review/approval. Passed unanimously.

5. Smokey Point Business Park Utility Participation.

Public Works Director Winckler reviewed the agenda bill and letter from Hammond Collier Wade-Livingstone. He noted staff recommends the City participate in oversizing and dewatering at a cost of \$66,900 plus tax.

Ralph Monty, 16404 Smokey Pt. Blvd., addressed Council and explained the original cost estimate for the project was \$34,000 but with the extra work, they went out to bid and the lowest of four bids received was \$80,000. He noted it was the City's idea to change the pipe from 12" to 18"; Smokey Point Business Park is paying for the engineering. Estimates/bids for oversizing and dewatering were all received from local contractors, he said.

City Administrator Zabell explained this is basically correcting a system deficiency, there is no change of policy.

There was discussion about the City's portion of the responsibility, alternative of building another line, \$39,000 for dewatering, additional depth required, it was the City's request to divert flow, no recovery with the exception of some property to the south, temporarylift station to be funded by the developer.

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve as per staff recommendations for participation in the Smokey Point Business Park oversizing and dewatering project.

MARYSVILLE CITY COUNCIL MINUTES MAY 27, 1997 Page 8

Mr. Monty asked if the City would split the difference, i.e., the City's portion would be \$73,500 plus sales tax.

5.4

Councilmember Baxter moved and Councilmember Bartholomew seconded to add to the motion that the City's portion would not exceed \$73,500 plus sales tax. The motion passed unanimously.

Councilmember Baxter left Council Chambers at 10:08 p.m.

State Avenue/Quilceda Creek Culvert Analysis; Giles Engrg. Assoc.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends approval of the \$8,351 request, subject to approval by the City Attorney.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve the agreement with Giles Engineering, subject to the City Attorney's final approval and authorize the Mayor to sign. Passed 6-0.

Councilmember Baxter returned to Council Chambers at 10:10 p.m.

7. SR 528 (67th Ave. NE to 83rd Ave. NE); Perteet Engrg. Inc.

Public Works Director Winckler reviewed the agenda bill and explained the selection process.

After brief discussion, Councilmember Baxter moved and Councilmember Leighan seconded to approve the consulting contract with Perteet Engineering, Inc. for \$271,761, with final approval of the City Attorney and to authorize the Mayor to sign. Passed unanimously.

(Councilmember Herman left at 10:16 p.m.) ORDINANCES & RESOLUTIONS:

Ordinance Affirming Hearing Examiner Decision to Rezone property owned by Scott & Diane Ray and Amending Official Zoning Map previously Adopted in Ordinance 772.

Councilmember Pedersen moved and Councilmember Leighan seconded to approve/adopt Ordinance 2128. Passed 6-0.

Ordinance Affirming Hearing Examiner Decision to Rezone property owned by Catherine O'Brien, and Amending the Official Zoning Map previously adopted in Ordinance 772.

Councilmember Leighan moved and Councilmember Baxter seconded to approve/adopt Ordinance 2129. Passed 6-0.

Ordinance Amending Sections 14.07.060(f) and 14.07.070(d) of MMC as Amended in Ordinance 2117.

Councilmember Myers moved and Councilmember Baxter seconded to approve/adopt Ordinance 2130. Passed 6-0.

Councilmember Herman returned to Council Chambers at 10:18 p.m.

Resolution Granting in Part & Denying in Part Utility Variances for One Water Connection without Sewer for Sun Sik Choi for Property at 11621 55th AVe. NE, Marysville.

Councilmember Herman moved and Councilmember Leighan seconded to approve/adopt Resolution 1847. Passed unanimously.

ADJOURNED: 10:20 p.m.

EXECUTIVE SESSION: 10:30 to 10:57 p.m.

1. Litigation (No Action) (No Action)

2. Real Estate

(No Action)

Personnel

MAY 27, 1997

MARYSVILLE CITY COUNCIL MINUTES MAY 27, 1997 Page 9

RECONVENED & ADJOURNED: 10:57 p.m.

Accepted this day of _______, 1997.

MAYOR

CITY CLERK

RECORDING SECRETARY