

original

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MARCH 1, 1999

02000756K

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETINGS:

- 1. City Council Special Meeting 2/16/99 - Approved
- 2. City Council Meeting; 2/22/99 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

- 1. Approval of 3/1/99 Claims in the Amount of \$185,609.72; paid by check nos. 43594 through 43748 with check nos. 43362, 43488, 43323, 43255, 43492, and 43537 void.
- 2. Approval of Request for a New Liquor License: 7-Eleven Store No. 2306-32834; 88th St. NE at 36th Ave. NE, Marysville.
- 3. Accept Lloyd Taubeneck Building Remodel Project as Complete and Begin 45 day Lien Period.
- 4. Approve Professional Services Agreement and Authorize Mayor to Sign Agreement for Reservoir Condition Evaluation; Tank Industry Consultants, Inc.
- 5. Approve Professional Services Agreement and Authorize Mayor to Sign Agreement for State Ave. & 128th St. Intersection Signal Design; Skillings Connelly, Inc.
- 6. Approve Professional Services Agreement and Authorize Mayor to Sign Agreement for Drainage Analysis and Master Drainage Plan (136th St. NE to 152nd St. NE); Perteet Engineering.
- 7. Approve Supplement No. 1 to Professional Services Agreement and Authorize Mayor to Sign Supplement No. 1 for Edward Springs Reservoir Liner/Cover; Montgomery Watson Americas, Inc.
- 8. Accept the Low Quote for Removal of Underground Fuel Storage Tank and Authorize Mayor to Sign the Contract with Premium Construction Group, Inc.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

- 1. Oath of Office; Commander Ralph Krusey.
- 2. Public Health Week Proclamation - April 5-11, 1999

CALL ON COUNCILMEMBERS:

CURRENT BUSINESS: None

NEW BUSINESS:

- 1. Request for Code Revision; Cosmos. Approved 5-2 on ages 15 to 20 & Approved 7-0 on Wed. night/Preholiday Dances
- 2. 60th Dr. NE Channelization Approved contingent on MSD improvements
- 3. Procedures & Plans for Operation & Financing of Fleet Services for Marysville; Funding for Shop Stores & for Facility Maintenance. Information Only

ORDINANCES & RESOLUTIONS:

- 1. Ord. 2235 Approved 6-1 Amending Ordinance 2218 Relating to the 1999 Budget and Providing for Increase of Certain Expenditure Items as Budgeted for in 1999.
- 2. Ord. 2236 Approved 7-0 Amending Ord. 2218 Relating to the 1999 Budget and Providing for Increase of Certain Expenditure Items as Budgeted for in 1999.

LEGAL MATTERS: None

ADJOURNMENT: 9:34 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00076 GK

MARCH 1, 1999

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Brett Roark
NormaJean Dierck
Donna Pedersen
Mike Leighan
Otto Herman, Jr.
Shirley Bartholomew
Administrative Staff:
Grant Weed, City Attorney
Dave Zabell, City Administrator
Ken Winckler, Public Works Director
Owen Carter, City Engineer
Mary Swenson, City Clerk/Asst. to the City Administrator
Robert Carden, Police Chief
Ed Erickson, Finance Director
Gloria Hirashima, City Planner
Roger Kennedy, Fleet Manager
Doug Buell, Community Information Officer
Wanda Iverson, Recording Secretary

CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the meeting to order at 7:00 p.m. and led us in the flag salute.

ROLL CALL:

Mayor Weiser asked the Recording Secretary to note members present/absent (as indicated above).

MINUTES OF THE PREVIOUS MEETINGS:

1. City Council Special Meeting; 2/16/99.

Councilmember Herman noted on page 5 in the 3rd paragraph from the bottom, it should read: "Councilmember Herman spoke about giving staff direction regarding discretionary aspects of quality and quantity and said he hoped the Sensitive Areas Ordinance would be revised to address that."

There being no further corrections, Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve the special meeting minutes as corrected. Passed unanimously.

2. City Council Meeting; 2/22/99.

Councilmember Herman noted on page 5 in the 4th paragraph from the bottom, he asked that the last sentence be amended to read: "He gave as an example Marine View Drive where there are bus pullouts because of the speed of the arterial." Also, on page 9 in the 6th paragraph from the bottom, he asked that the sentence read as follows: "Councilmember Herman noted the distinction between quasi judicial and legislative actions and that Council is very constrained about what they can have come before them."

There being no further corrections, Councilmember Bartholomew moved and Councilmember Dierck seconded to approve the 2/22/99 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval of 3/1/99 Claims in the Amount of \$185,609.72; paid by check nos. 43594 through 43748 with check nos. 43362, 43488, 43323, 43255, 43492, and 43537 void.
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8. Accept the Low Quote for Removal of Underground Fuel Storage Tank and Authorize Mayor to Sign the Contract with Premium Construction Group, Inc.

Councilmember Roark asked that Item #4 be pulled.

Councilmember Dierck asked that Item #6 be pulled.

Councilmember Pedersen moved and Councilmember Wright seconded to approve Consent Agenda Items 1, 2, 3, 5, 7 and 8. Passed unanimously.

There was considerable discussion on Item #4, evaluation of the Kellogg Marsh and Comeford Park water towers. Public Works Director Winckler explained the evaluation is to see how much it will cost to bring the water towers up to seismically safe standards as well as other issues such as painting, reroofing, possibility of removing the tower in Comeford Park altogether.

It was noted that the tower in Comeford Park represents one of the few historical landmarks left in Marysville and Councilmember Pedersen said bearing that in mind, she would like to know what the actual costs are going to be to maintain it.

Councilmember Bartholomew moved and Councilmember Leighan seconded to go ahead with the evaluation. Passed 5-2 with Councilmembers Roark and Dierck opposed.

On Item #6, Drainage Analysis and Master Drainage Plan, City Administrator Zabell explained this is to focus in on the regional drainage system and will ultimately be coordinated with the City's Stormwater Management Plan. He said it is more to do with specific needed improvements and inventory of existing deficiencies. It was also noted the professional services agreement would be funded out of the Surface Water Fund.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve Item #6 under Consent Agenda. Passed 5-2 with Councilmembers Dierck and Roark against.

STAFF'S BUSINESS:

Chief Carden reported that Snohomish County Sheriff Deputy Mark Brown died as a result of injuries received in a motorcycle accident when responding to an incident recently. The memorial service will be Wednesday 3/3/99 and he invited anyone wishing to attend to ride with the Marysville Police Dept. group going to Seattle Wednesday morning at 10:30 a.m.

00078 EK

City Administrator Zabell reported Katherine Klupper recently passed away. She had been a co-caretaker at Jennings Park and her name will be added to the plaque in the park that also has her husband's name on it.

City Planner Hirashima noted she attended the Snohomish County Council meeting last Tuesday and they approved Phase 2 including the Sunnyside Blvd. area. The Marysville Area Wide Rezone mailing was mailed out last week announcing the two open houses 3/2/99 and 3/9/99 as well as the public hearing 3/9/99.

Public Works Director Winckler announced there will be an open house tomorrow from 6 to 9 p.m. regarding the Ash St. Park & Ride at the Ken Baxter Senior/Community Center.

MAYOR'S BUSINESS:

1. Public Health Week Proclamation - April 5-11, 1999.

Councilmember Pedersen read the Proclamation and then moved that the Mayor be authorized to sign it. Councilmember Leighan seconded the motion and it passed unanimously.

2. Mayor Pro Tem for 3/8/99 Council Meeting.

It was noted Mayor Weiser and Councilmembers Wright and Leighan will all be in Washington, DC next week. It was the consensus that Councilmember Herman serve as next week's Mayor Pro Tem.

3. Oath of Office; Commander Ralph Krusey.

Mayor Weiser administered the oath of office which was followed by a five minute break so Commander Ralph Krusey could introduce himself and his family to the Council.

BREAK: 7:30 to 7:35 p.m.

Mayor Weiser spoke about the Endangered Species Act response, saying the county is going to be sending their response in next week and Marysville is going to try and get a response to the county this week. He said staff is trying to get copies of the Edmonds and Mountlake Terrace responses for reference.

CALL ON COUNCILMEMBERS:

Councilmember Herman thanked Finance Director Erickson for information recently requested as well as his hard work and dedication. He said he wished to bring up the lengthy meeting issue and would like to see some action limiting meetings to 11 p.m.

There was discussion about what you do with left over items, putting this item on the retreat agenda, City Attorney to bring copies of the City of Snohomish ordinance to the Retreat. (Consensus was that this should be a future agenda item.)

Councilmember Leighan asked about the First & State traffic light and City Engineer Carter said the curb ramps are completed but WSDOT has concerns about moving the pedestrian head and/or crosswalk and they are still working on this. He said it will probably be turned on next week.

Councilmember Leighan asked about the 5th & State crosswalk which still has black plastic over it. City Engineer Carter explained the controller needs to be replaced and it will take at least another 3-4 weeks.

Councilmember Leighan asked about 67th & Grove striping and City Engineer Carter said it is on schedule, to be completed in 2-3 weeks. He added that Snohomish County has been testing controllers for Marysville and it takes less time than when WSDOT used to test them in Olympia.

0000079 GK

Public Works Director Winckler noted the new signal tech is working on an inhouse controller testing lab/set up. Also, he reported that the reason the 60th Ave. luminaires are not lit at 528 is because the City has to install a new cabinet which should be next week or so and Public Works will be doing a press release on this.

City Engineer Carter reported that Grove & State will be striped to 3 lanes as soon as we get some good weather.

Councilmember Wright reported on the AWC Legislative Conference last week, noting it was a great opportunity for Councilmembers to speak with Representatives regarding various issues affecting Marysville. She said one of the things that interested her was that some employers are eligible for an L&I rebate due to a lack of on the job injuries and she asked Finance Director Erickson to address this.

Finance Director Erickson reported the City will be getting a refund of over \$22,000 and this will go into the General Fund.

Councilmember Wright asked for times and location for the Retreat and City Clerk Swenson announced it will be at the Tulalip Inn Friday evening, March 12th and Saturday all day from 9 a.m., March 13th.

Councilmember Pedersen thanked the Marysville Historical Society for putting on their annual dinner for Council this evening and she shared an announcement: On Sat., May 1, from 9-4 at Jennings Park, the Historical Society will be holding their Red Barn Sale with many items of interest to everyone for sale. She also thanked Kris Pasey and Austin Power of the Marysville Globe for the complimentary copies of the "Access" publication, a compilation of state and federal laws.

Councilmember Dierck asked about the TV Advisory Board and Mayor Weiser said he didn't believe it has been advertised for as yet. The deadline will be about March 15th and he will have his recommendation to Council by the 22nd of March for the two positions, he said.

Councilmember Dierck asked about sound system trials.

City Clerk/Asst. to the City Administrator Swenson said the bids are opening 3/4/99 and it was anticipated to bring this issue before City Council 3/8/99 but there will be several Councilmembers not present that meeting.

Councilmember Pedersen said she would want all Councilmembers present for this issue and there was discussion about how to have "trials" amidst the bid process. Quality assurance was the big concern and City Attorney Weed said it could be put in the bid specs to have a "test drive" and City Clerk/Asst. to the City Administrator Swenson suggested a bid amendment to include this and then have it come back before Council on 3/22/99.

There was further discussion about how to evaluate the system, specs to include performance requirements, warranty of the new system, need to have an addendum go out, with the bid to be awarded 3/22/99 (consensus).

Councilmember Roark asked about the Park & Ride open house and whether Councilmembers should be allowed to attend. City Attorney Weed said it would be OK for Councilmembers to attend.

Councilmember Bartholomew asked Doug Buell about the recording of the Friday a.m. Chamber meeting when the SR 529 bridge issue was discussed.

Community Information Officer Buell stated this will be aired on Channel 29 from 3/3/99 to 3/10/99 at 4:45 a.m. and p.m. as well as 11:45 a.m. and p.m.

He explained they were using new equipment from TCI, it took one hour to set up and they did a 2-person shoot. He said it went very well except for a couple small "learning experiences" that came up.

Councilmember Pedersen noted that Channel 29 still had last week's Council agenda being shown on Sunday and Community Information Officer Buell said he would look into that. He also noted Mike Hansbrg helped last week with the "Our Town" presentation. He gets paid \$60 per hour and there is money in the budget for this, he said.

NEW BUSINESS:

1. Request for Code Revision; Cosmo's.

City Clerk/Asst. to the City Administrator Swenson reviewed the agenda bill and noted the application has been reviewed and they meet code. The applicant is looking to operate a teen club part of the time--Friday and Saturday nights but if there is a school holiday, they would like to operate and have dances Wednesday nights during the summer, she said. So this is one of the variances to the code they are asking for, along with a variance to do with age which the City is looking for direction from Council on and one suggestion was to review the operation after a year's time, she said.

Chief Carden spoke about carding and said Mrs. Fuller had asked about uniformed officers for security of the club and had talked to him about other security the club would have.

There was discussion about provision under the code regarding checking ID, no experience with teen clubs in Marysville since revision of the code in 1988 following the discontinuance of Chita's, liability when police officers are used as security.

Chief Carden noted that when Marysville Police Officers are used as security, they would be uniformed and still have power of arrest. He noted also that there would be no alcohol whatsoever on the premises; the age limit is 20.

City Clerk/Asst. to the City Administrator Swenson said WCIA actually would prefer that the City bill for services provided by our police officers.

Bill Tackitt, 1625 Vernon Road, Lake Stevens, addressed Council, noting he is the owner and operator of several Buzz Inn Steak Houses in the area and has been for 15 years. He said Christi Fuller (his wife) could not be here tonight but this is basically her project and it's something they tried to put together in Lake Stevens for the last year and a half, going through the architectural bid process, etc. and it ended up going to cost \$200,000 for a facility which would be just too costly. He said Christi is very active in Lake Stevens and this has been a dream of hers to put together a community center, for after school programs, etc. and she plans to meet with school districts about this.

In order to put some economics into this, he said that is why he got involved and is putting up his money. He noted Mr. and Mrs. Buzz McLeod are in the audience and they will be helping operate the teen club. He said they feel this is the best way to provide this facility for the youth and they hope this is going to be a blueprint for other communities as it's going to be the only one in the area. He said they want to have good security on Friday and Saturday nights and have come up with a lot of security including a double door system, 8 security cameras, extensive lighting outside, metal detector and electrical wand, purses and coats have to be checked in and a uniformed officer at the door. Once the kids pay the cover charge, they are going to be in a secure, safe environment, he said.

As far as the mid week opening for dances on Wednesday nights, this is a way to help make a little profit here and they are talking about 11 nights a year for preholiday and summer dances. Seven days a week there will be a game shop upfront where they will have online computers, computer games, he said, but that is more just to keep the kids busy, not to make any real profit.

Councilmember Pedersen asked about problems outside the building and Mr. Tackitt said lighting will be like daylight with halogen lights and cameras as well as having cooperation from E & E Lumber next door. He explained that Buzz McLeod ran Buzzy's in Everett on Broadway for 16 years and has a little experience there. Also, they will have a metal detector at the door. He said they don't want the kids to even think they can try to get anything illegal in.

Councilmember Pedersen spoke about the Mountlake Terrace Neutral Zone and use of volunteers.

Mr. Tackitt said they are really going to rely on the security/uniformed officers; if a group comes up and one is 15 and a half, though, that is going to present a problem--do they have to turn the whole group away? He said this is something Everett adopted (allowing 15 year olds) as long as they are a senior and/or attend the high school.

Councilmember Pedersen questioned his use of the words "multi use facility and a teen club" and Mr. Tackitt explained it will be a general community entertainment facility for youth--open to area schools. They can serve food, etc. but there are no adults allowed other than in supervisory capacities.

Councilmember Bartholomew asked how they are going to be able to afford the \$52 per hour security charge and Mr. Tackitt explained there would be an administrative fee; the lease on the building is \$5,000 per month. He said this is not going to be an inexpensive operation and will have to support itself. He said he is putting up the money but he expects to get paid back and he said he has been involved in the Y and wants the community to support this.

Councilmember Bartholomew asked about operating hours and Mr. Tackitt said it would open after school, not before, and probably close at 10 p.m. during the week (game shop), with Sunday hours from Noon to 8 or 9 p.m. There would be video games, etc. and the game shop will be closed Friday and Saturday nights while the dances are going on.

Councilmember Wright asked about the kids who are not in school, or in home school or private schools and Mr. Tackitt said Washington State ID would be acceptable.

Councilmember Wright noted Marysville does have a "curfew" ordinance not allowing kids out at 1 a.m. which is closing time (proposed) for the teen dances.

Mr. Tackitt said he believed it would be like kids at the show when an adult picks them up; it is an exception under the "curfew" ordinance. He added that Christi will be looking to the Boys & Girls Club, DECA clubs, etc. for support and will be going around to all the schools.

Councilmember Wright asked about the people at the door using "discretion" when allowing kids in and Mr. Tackitt said the door people have to have the discretion to turn people away, eg. if they have gang signs. He spoke about coordination with schools for school functions and fund raisers, clean operation, really not going to promote this as a commercial operation. He said the funds will have to be derived from the dances with a good safe environment and they would run the dances. With fund raisers, they could give the school or group a cover charge kick back but the club would still provide the entertainment.

He added some comments about surveillance and the security system, noting they would always have at least one adult supervisor there.

Councilmember Herman noted that the variance would have to be based on past experience but also on the fact that there is a need for this facility in the community. He said he feels reluctant about granting the variances at this point.

Mr. Tackitt explained a lot of things have changed in 10 years (since Chita's) and he was originally going to come before the Council before he had anything planned. He said he is trying to give Christi the economics for something she wants to have happen in Marysville and in order to make this work, the club has to stay open a certain number of days and he would hate to see this facility have 11 nights taken away. He said they feel the age issue is important, too, but if they can only have the third night variance, they could probably make a success of it. He noted he has 3 teens of his own and would not let them go out all 3 nights. He invited Council to offer any suggestions they feel might work better in order to handle these high school students because he doesn't know how to handle the 9th graders who are usually only 15 but still attend high school.

Councilmember Wright commented that the difference between a 16 and 20 year old is a lot and she could not go for allowing 15 year olds.

Councilmember Dierck asked what the occupancy/capacity will be of the facility proposed and Mr. Tackitt said he did not know but it has 8998 square feet of floor space.

Councilmember Bartholomew asked if there was a minimum age for the Mountlake Terrace Neutral Zone and Chief Carden said he didn't think there was a minimum, that he had seen 12 and 13 year olds there.

Councilmember Roark said he believes the financial aspects have a lot to do with the ages that are going to be allowed and he asked the Police Chief's opinion on the age differences.

Chief Carden said when he spoke with Ms. Fuller, she was very convinced this is going to work. With a uniformed officer, the Marysville Police Dept. is familiar with who is on the streets and he said he doesn't think they are going to have problems inside the facility. At the Mountlake Terrace facility, they also have outside security, he noted. He said outside security is one of their main concerns and with MPD officers that will help. With an age difference from 15 to 20 that is a great difference, he said, and his opinion is the Council wrote the ordinance about age for a reason and the Council needs to look and see if those reasons still apply. He said there is a potential for problems but there have been many things he sees that may have changed from the past experience in Marysville, too.

Councilmember Roark asked about a trial period like the trial period for serving alcohol at the Ken Baxter Senior/Community Center.

Councilmember Pedersen said she has complete faith in Mr. Tackitt but questioned changing the code or just granting a variance applicable to this owner.

City Attorney Weed pointed out that a variance under a business license is not allowed under the code but the City could perhaps relax the code for a year's trial period.

Councilmember Pedersen asked how that would work with a new owner and City Attorney Weed said the same rules would have to apply for both new and previous owner.

Councilmember Pedersen said she has some real concern about the changes in ages and asked if changing the days of the week would be enough to satisfy the applicants at this time.

Mr. Tackitt said he would be willing to just have the extra days but their concern is if there is a whole group and one is only 15 and a half, do they send them all home? He said he would like a trial and maybe they could work on some language, because he would prefer to be able to allow 15 year olds to come in.

Jeff Seibert, 5004 80th St. NE, Marysville, addressed the Council. He asked if there is anything in the code for having employees have a background check.

Councilmember Roark noted it is in the packet that they will be checked, but he doesn't know if it's in the code.

City Attorney Weed said there would be a separate entertainment club license but he doesn't see any background check requirement, for employees.

Councilmember Herman said he noted the application requires a statement about convictions on the part of the applicant.

Mr. Seibert said he thinks that should be included in the code, just as it's included for daycare operators, eg.

There was discussion about including background checks in the code, sticking to 16 year olds as a minimum age, sunset clause, days of operation change, six month trial period for 2 years.

Councilmember Roark moved to approve the ordinance revision to allow 15 year olds, with a 6 month sunset clause and to add a third night (Wednesdays) and allow preholiday openings with a sunset clause on this as well. Councilmember Bartholomew seconded.

Councilmember Herman moved to split the two issues and Councilmember Wright seconded. Passed unanimously.

Councilmember Roark moved and Councilmember Bartholomew seconded to revise the code to allow 15 year olds, with a 6 month sunset clause. The motion passed 5-2 with Councilmembers Herman and Wright against.

Councilmember Roark moved and Councilmember Bartholomew seconded to revise the ordinance to add Wednesday nights during the summer and preholiday openings, with a six month sunset clause, renewable by an action of the City Council with public input at that time. The motion passed unanimously.

2. 60th Drive N.E. Channelization.

City Engineer Carter reviewed the agenda bill and noted all the parking in the street has been causing problems. He said the proposal is to change the striping which will eliminate parking but will provide bike lanes and improve access for buses. This would not affect the food bank parking lot, he added.

Councilmember Herman suggested more forceful "No Parking" signs.

Councilmember Leighan noted the parking lot, which is the school district's jurisdiction, is the real problem here.

City Engineer Carter said the Marysville School District is very interested in providing a safe parking area and yes, it is private property.

Councilmember Bartholomew suggested making the change subject to the improvements in the parking lot being made by the school district.

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Councilmember Roark moved and Councilmember Leighan seconded to approve staff recommendations, with "No Parking/No Standing" signs and contingent upon Marysville School District handling parking problems within their own parking lot and driveway. Passed unanimously.

3. Procedures and Plans for Operation and Financing of Fleet Services for Marysville; Funding for Shop Stores and for Facility Maintenance (Information Only).

There was discussion about the shop stores program, equipment list, inventory, insurance, fixed asset schedule. There was input from both Fleet Manager Kennedy and Finance Director Erickson.

ORDINANCES & RESOLUTIONS:

1. Ordinance Amending Ordinance 2218 Relating to the 1999 Budget and Providing for Increase of Certain Expenditure Items as Budgeted for in 1999.

Councilmember Wright moved and Councilmember Herman seconded to approve/adopt Ordinance 2235. Passed 6-1 with Councilmember Leighan against.

2. Ordinance Amending Ord. 2218 Relating to the 1999 Budget and Providing for Increase of Certain Expenditure Items as Budgeted for in 1999.

Councilmember Herman moved and Councilmember Pedersen seconded to approve/adopt Ordinance 2236. Passed unanimously.

ADJOURNED: 9:34 p.m.

Accepted this 8th day of March, 1999.

David Weir
 MAYOR

Mary Pedersen
 CITY CLERK

Wanda A. Iverson
 RECORDING SECRETARY