

Original

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JULY 24, 2000**

000245

CALL TO ORDER/FLAG SALUTE	7:07 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING 1. June 13, 2000 city council special meeting 2. June 15, 2000 city council special meeting 3. July 10, 2000 city council regular meeting	Approved as presented. Approved as presented. Approved as corrected.
AUDIENCE PARTICIPATION 1. Marie Vickers regarding problems with Collision I's use of 42 nd Drive NE	
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	
ACTION ITEMS	
REVIEW BIDS 1. Concrete work for RV dump station.	Awarded contract to Curbs Plus for \$18,664.45.
PUBLIC HEARING 1. Planning Commission recommendation for Marysville School District Capital Facilities Plan, consideration for revisions to Title 18C, MMC. Adopt Ordinance 2326, School Impact Fees, using the document supplied by the School District but deleting the text following "in Table 1 below" from 18C.10.010; changing the language as supplied by the School District from "Resolution" to "Ordinance 2327;" adopting Ordinance 2327, the School District's Capital Facility Plan; making both ordinances effective immediately; and allowing no vesting per RCW 58.17.033.	Adopted Ordinance 2326 and Ordinance 2327, effective immediately, with no vesting per RCW 58.17.033.
CURRENT BUSINESS 1. Siting criteria for skateboard park	Approved recommended siting criteria. Voted to site park at Youth Peace Park or Comford Park.
NEW BUSINESS 1. Professional services agreement, Harris & Associates, for engineering services. 2. EMS levy ordinance.	Approved. Approved Ordinance 2328.
CONSENT AGENDA 1. Approve July 24, 2000 claims in the amount of \$453,412.69 paid by check nos. 53265 through 53488. 2. Approve liquor license renewals for Captain Dizzy Exxon, DMS Gas, Jim's Texaco & Grocery, Smokey's Cascadia, El Rinconcito, and Marysville Gas & Food Mart. 3. Approve renewal contract and authorize Mayor to sign renewal contract for Nationwide Recovery Services. 4. Approve contract amendment, 116 th Street Master Plan, revised scope of services. 5. Approve Special Events Permit, Marysville Community Church Tent Service, August 2-6, 2000. 6. Approve Special Events Permit, Home Grown Street Fair, August 11-12, 2000.	Approved. Approved. Approved. Approved. Approved.
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS	
1. An ordinance of the City of Marysville annexing certain unincorporated area known as the 164 th Street annexation area to the City of Marysville and adopting comprehensive plan and zoning designations.	Approved Ordinance 2329.
INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers Move the discussion regarding the professional services agreement for the Trunk F to Trunk A sewer intertie from the August 7 meeting to the August 14 meeting.	Approved.
ADJOURN INTO EXECUTIVE SESSION	10:45 p.m.
ADJOURN INTO REGULAR SESSION Rescind the passage of Ordinances 2326 and 2327 pertaining to the School District's Capital Facilities Plan and school mitigation fees, and continue to August 14, 2000.	Approved.
ADJOURN	12.22 a.m. on July 25.

MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JULY 24, 2000

CALL TO ORDER/FLAG SALUTE

The meeting was called to order by Mayor Weiser at 7:07 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:
Dave Weiser, Mayor
Mike Leighan, Mayor Pro Tem
Shirley Bartholomew
Jim Brennick
NormaJean Dierck
Mike Leighan
Donna Pedersen
Suzanne Smith
John Soriano

Administrative Staff present:
Dave Zabell, City Administrator
Robert Carden, Police Chief
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Jim Ballew, Parks and Recreation Director

Mayor Weiser advised that council had convened at 5:35 p.m. and immediately adjourned into Executive Session to discuss pending litigation. The Executive Session adjourned at 6:58 p.m.

MINUTES OF PREVIOUS MEETING

1. City Council Special Meeting, June 13, 2000

MOTION by Bartholomew, second by Leighan, to approve the minutes of the June 13, 2000 Special Meeting as presented. Motion carried unanimously (7-0).

2. City Council Special Meeting, June 15, 2000

MOTION by Brennick, second by Dierck, to approve the minutes of the June 15, 2000 Special Meeting as presented. Motion carried unanimously (7-0).

3. City Council Meeting, July 10, 2000.

Councilmembers noted the following corrections:

- Page 1, last paragraph, 5th line should read: "...caused by fireworks, including the shooting of fireworks from the park on the corner of 71st and Grove into residential areas."
- Page 2, 2. Solid Waste, second paragraph, revised sentence should read "The solid waste was taken by Snohomish County to Roosevelt."

MOTION by Dierck, second by Smith, to approve the minutes of the July 10, 2000 meeting as corrected. Motion carried unanimously (7-0).

AUDIENCE PARTICIPATION

Marie Vickers, 9026 42nd Drive NE, supplied council with a written statement regarding road problems on 42nd Drive NE in connection with the road vacation and other changes made by Collision I. She was especially concerned about Collision Ones plan to pave over part of her yard as part of their street improvements. She asserted that Collision Ones' property was not being used in the manner that had been presented to council when it granted the street vacation. She emphasized that haste was important because they planned to pave the street and part of her yard very soon. Councilmember Leighan suggested staff review the matter and report back to council; Councilmembers Dierck and Brennick asked to be kept informed as information became known.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

ACTION ITEMS**Review Bids**

1. Concrete work for RV dump station

Mr. Winckler gave the background presentation, noting the bid was to construct curbs, gutters and sidewalks at the site of the RV dump station, which was adjacent to the Public Works yards. The improvements would run essentially from Columbia to State.

Councilmember questions and comments included:

- When would the work be done? Mr. Winckler estimated the work would be completed by mid-August.
- Was there a fee to dump? Mr. Winckler said the city had never charged a fee because it was a benefit to the city to have the waste dumped appropriately.
- How much did RV dumping add to the city's waste load? He stated the city had been accepting the waste for years. The amount going into the sewer system was not measured. Mr. Zabell added that the peak time for dumping was the summer months, which was a low usage time for the treatment plant.
- What notification had the city given to surrounding businesses and homes that the RV dump was being located at this site? An extensive direct mailing was done 6 to 8 months ago because the city had to go through a shoreline permit process. Notices were also posted on the project and published in the paper.

MOTION by Leighan, second by Brennick, to award the concrete work for the RV dump station site to Curbs Plus for the amount of \$18,664.45, including State sales tax. Motion carried unanimously (7-0).

Public Hearing

1. Planning Commission recommendation for Marysville School District Capital Facilities Plan, consideration of revisions to Title 18C, MMC.

Ms. Hirashima backgrounded council from the agenda materials, noting the Planning Commission had reviewed the Capital Facilities Plan (hereafter "CFP") against the city's existing ordinance.

Councilmember Bartholomew drew attention to Mr. Eisenhower's letter of July 11 regarding his inability to be in attendance; Mayor Weiser noted there were three School Board members in the audience.

The Mayor opened the hearing for public comments.

Mark Johnson, 12433 48th DR NE, stated he was on the School Board and the School District had a pressing need to build several new schools and remodel others for a total cost of approximately \$110 Million. He supported higher school mitigation fees.

Councilmember questions of Mr. Johnson were:

- Was he comfortable with the numbers the district had submitted? Mr. Johnson replied in the affirmative.
- Had the district done anything else to get additional dollars from the state? Mr. Johnson mentioned the ratios that were used, but noted the square footage had not been raised up.
- What was the district's attitude towards accepting in-kind contributions from development as opposed to impact fees? Mr. Johnson responded that in-kind contributions would be considered as long as they gave the district more classroom space.

Denise Stiffarm, 701 5th Avenue, Seattle, 98104, stated she was legal counsel for the School District. Responding to the earlier question about the numbers that were submitted, she stated the CFP had been reviewed by the Planning Commission, which had asked many questions of the District. Snohomish County had also reviewed the CFP in detail. The District had carefully reviewed the numbers it submitted and felt they were defensible.

Councilmember questions included:

- If council approved higher mitigation fees, would they have to receive voter approval? Ms. Stiffarm noted that under the current law they would; the Supreme Court had not yet issued its decision on I-695. The Attorney General was researching the question of whose ballot issue it would be and who would pay the costs of an election.
- If the higher fees were approved by the council, did the School District intend to put the matter on the September 19 ballot? Yes.

- CORRECTED: SEE 8-7-00
MINUTES be reviewed
- Clarification was requested on the proposed ordinance, which had been supplied by the School District. Ms. Stiffarm responded that the District had requested no discount, but the Planning Commission had recommended the 50% discount language. Councilmember Dierck suggested that paragraphs (2) and (3) be deleted from 18C.10.010 and that paragraph (1) end after "Table 1 below."
 - Did the School District or city defend the formula in the CFP? Ms. Stiffarm noted that the District did that. Mr. Weed added that the issue was addressed in an Interlocal Agreement between the District and the city, which called for the District to defend the fees and the data in the Capital Facility Plan.
 - What would happen if the fees were effective immediately? Ms. Stiffarm said the School Board would have to decide on the timing of accepting fees at a higher rate because if they were accepted now and then the Supreme Court upheld I-695, the District would have to refund the amounts which had been collected without voter approval.
 - What was the county's timeframe for recommendations of school mitigation fees? She said the council had voted to eliminate the artificial caps on the fees, but higher fees could not be collected until the council had given its final approval. The Technical Review Committee had reviewed each school district's CFP to determine the validity of their fees; it would go to the full council in late October.

Ms. Hirashima added that the county was not considering any further changes to its ordinance as it had just made changes at the end of last year. Elimination of the cap was one of the changes. The 50% discount was retained and was still in effect. The only thing before the council was approval of the various Capital Facility Plans with increased fees, but those fees would still be discounted by 50%.

- What was the District currently collecting? \$2,000 for single family and \$1,500 for multi-family.
- Would the District hold two elections, one for the city and one for non-city households? Increased fees for that portion of the District lying in the county would not be on the September 19 ballot because the county council had not yet given its approval of those fees. If this council approved, the city portion could go before voters in September.
- If the city council approved the ordinance, when would it go into effect? Mr. Weed responded that a city ordinance took effect five days after publication unless otherwise directed by council.
- Would developers building in the county but taking city utilities be required to pay the higher fee? Mr. Weed responded the issue of whether non-utility related conditions could be imposed as a condition of hooking up to city utilities was uncertain under the law. There was some litigation in the courts but it had not run its course. Councilmember Smith suggested that there be no more utility hookups for county properties, except those currently committed to, until properties were annexed into the city so the city's mitigation fees would apply. Mr. Weed noted that whether the city was committed for utility hookups would depend on the circumstances surrounding that development; there might be LIDs, ULIDs, or latecomer agreements. The city might have to evaluate its entire utility policy to determine if annexation would be a requirement. That had not been the case in the past.

Mr. Weed noted that two actions would be required if council wished to take action, adoption of an ordinance adopting the revised Capital Facilities Plan as part of the city's Comprehensive CFP and adopting an ordinance amending the school impact fees. Councilmember Dierck suggested the Resolution in the packet appeared clear and concise and was already drafted. Mr. Weed noted he had not been consulted regarding the form of the ordinance for adopting the CFP; any implementing ordinance needed to contain certain recitals. Before any revised fees could be collected, the CFP needed to be adopted as part of the city's Comprehensive Plan.

- Would the District be affected by the follow-on initiatives to I-695? Yes, anything collected above the existing fees would have to be refunded.
- What was the status of the plans for Lakewood and Lake Stevens? Ms. Hirashima responded that an initial workshop had been held on the Lake Stevens CFP some time ago, but revisions were needed; those had not yet been made. Lakewood had submitted to both the city and the county and the city's Planning Commission had taken it through a workshop. It had been the Commission's intent to take all the CFPs through the hearings process at the same time, but the city council had directed them to treat the Marysville CFP separately.
- At what point was a development project "vested?" Ms. Hirashima responded that the ordinance provided a vesting policy and exceptions thereto.
- What consideration had been given to the fact that Marysville properties were being reassessed by the county? Ms. Stiffarm noted that the formula used the average assessed valuation.

Dee Altermott, 9914 59th DR NE, supported higher impact fees for schools.

Paul Wetner, 6725 73rd Street NE, spoke in support of higher impact fees.

Karen Elder, 5401 143rd PL NE, a teacher in the District for 17 years, supported higher fees.

Jeff Seibert, 5004 80th Street, supported higher fees.

Jan Gustavson, 6606 73 Street NE, supported higher fees.

Ty Waude, 505 Cedar Avenue, Suite B-1, representing Belmark Industries, asked council to carefully consider any removal or reduction of the discount, stating there had been no clear agreement by the original Mitigation Fee Committee on what factors should be included in the mitigation fee formula; the discount had been their recommendation toward achieving fairness.

Ms. Hirashima noted that new housing starts through June, 2000 were up 30% over the same period last year.

Bruce Tipton, 6308 100th Street NE, supported higher mitigation fees.

Mark Mechling, 13624 Chain Lake Road, Monroe, stated the cost of an election could be estimated at \$4 per registered voter, or \$2 if there were other issues on the ballot. Monroe did have a court case, which resulted in a decision that the city did not have the right to impose mitigation fees on areas outside the city limits. The Monroe council approved a 25% discount but no fees had been collected under the new ordinance yet. Projects that had been in the works at the time of the change had been considered vested.

Gary Petershagen, 505 Cedar Avenue Suite B-1, asked if the CFP incorporated the bond issue Mr. Johnson referenced earlier and if it did when would the fee be recalculated. Mr. Johnson responded that no bond issue had been passed so it was not included in the CFP. If one did pass then the CFP would be updated; the normal update cycle was every two years but the School Board could decide to bring it back earlier.

- What impact would a successful levy have on the mitigation fee? Ms. Stiffarm responded that the mitigation fee would go down because the property tax levy rate would go up. Impact fees could only be used to mitigate the impacts of new development. The formula in the CFP took into consideration the amount required to provide space for a new student.

There being no one further wishing to speak, the Mayor closed the public comment portion of the hearing.

MOTION by Dierck, second by Smith, to adopt Ordinance 2326, School Impact Fees, using the document supplied by the School District but deleting the text following "in Table 1 below" from 18C.10.010; changing the language as supplied by the School District from "Resolution" to "Ordinance 2327;" adopting Ordinance 2327, the School District's Capital Facility Plan; making both ordinances effective immediately; and allowing no vesting per RCW 58.17.033.

Councilmember Pedersen questioned the validity of combining the actions and of treating a resolution as an ordinance. Mr. Weed noted it had been council's custom to adopt separate pieces of legislation by separate actions. One was to amend the code that established impact fees, the other was to adopt the new or updated Plan as a sub-element of the city's comprehensive plan, which the Growth Management Act required in order to collect impact fees.

VOTE ON MOTION: On roll call vote, Leighan voted nay, all others voted aye, motion carried (6-1).

The Mayor called for a short recess in the meeting at this point. Upon reconvening, the agenda was reordered to address the EMS Levy at this point in the agenda.

New Business

2. EMS levy ordinance

Greg Corn, Fire Chief, 1364 Grove, gave the background presentation, noting the request was to extend the levy for another six years at the current rate, 50¢ per thousand. This would be requested in all three jurisdictions: the city, Fire District 12 and Fire District 20. Mr. Zabell said there were funds in the budget to cover the cost of an election.

The Mayor called for public comments; there were none.

MOTION by Leighan, second by Dierck, to approve ordinance 2328 ratifying the submission of an EMS levy. Motion carried unanimously (7-0).

Current Business

1. Siting criteria for Skateboard Park

Mr. Ballew distributed the siting criteria, which had been compiled based on meetings with user groups over the years. Additional staff recommendations were also included. He noted several Park Board members were in attendance, as well as others interested in this issue, which the city had been working on for seven years. He reviewed the list, noting the Board had reviewed only publicly owned sites and the ones which came closest to meeting the criteria were the reservoir site behind the Cedarcrest Golf Course, Hickock Park, and Youth Peace Park. The recommendation from the Advisory Board was the Cedarcrest reservoir site. He added that none of the publicly owned properties could achieve the entire list; that could only be done if property were acquired and there was no budget for that. The input he had received from skateboarders was that the most important thing was simply to get it built.

Councilmember Bartholomew asked about Washington Insurance Authority's stand on skateboard parks. Mr. Ballew responded that skateboard parks were added in 1997 as the Insurance Authority had found them to have a very low history of claims and to be low risk.

Mayor Weiser noted that the focus of tonight's discussion was the siting criteria, not the sites themselves.

Mr. Ballew stated the estimated cost to construct the basic park was \$150,000, for which the city had budgeted, and seeking \$75,000 reimbursement as pledged from the Marysville Noon Rotary Club. An additional \$25,000 would be needed for design fees.

Councilmember Brennick stated he had attended the Open House at Allen Creek and had read the comments regarding not having the park in residential areas. For that reason, he believed there would be opposition to the reservoir site. He thought Rotary had backed out of its commitment of \$75,000. He felt the park would need restrooms, phones, and be close to transportation. He suggested property owners would want it downtown where the Police could monitor it.

Councilmember Smith suggested the church on the corner of Grove and 42nd, which could also be used for other youth activities. She recommended that a contingent offer be made and the issue be put on the ballot for voter approval. Councilmember Pedersen thought the cost of that site would be approximately \$5 Million.

Councilmember Leighan referenced the 1993 Youth and Recreation Survey, which contained the original input in support of a skateboard park.

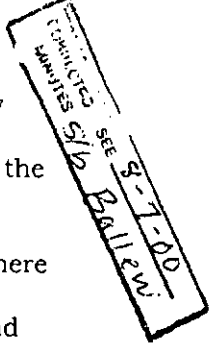
Councilmember Soriano stated he had visited the Everett and Edmonds skateboard parks with members of the Park Board. It was clear that most of the amenities listed were not required for a successful park. It was obvious from visiting Mt. Vernon's that portable ramps did not hold up so it was important to build a quality facility. He questioned whether removing some of the criteria would ease the Board's ability to site a park. Mr. Ballew agreed that restrooms were a must, but sani-cans could be used; many young people carried cell phones; food could be available from vending machines, like Everett had used.

Councilmember Pedersen excused herself from the meeting at this point (10:00 p.m.).

Mr. Buell emphasized that the Park Board had discussed sites extensively. If council wished, a cost analysis could be prepared for the recommended sites. He would need to meet with the Rotary regarding their commitment. Also some preliminary research could be done on privately-owned property. He noted that the Youth Peace Park had been quit claimed to the city as a memorial park, but that didn't preclude a changed use; however, there was no parking there and based on the developer commitments for improving that property, the Board would have to reevaluate it.

Councilmember Bartholomew asked if staff had considered doing a RFP for private sites, spelling out the intended use and seeing if there was any public interest. Mr. Buell stated that had not been considered.

CORRECTED: SEE 8-7-00
Mr. TIES S/b Ballew



Councilmember Brennick asked if Comeford Park had been considered. Mr. Buell responded that it had been considered and rejected as skateboarding was specifically prohibited there. It was the only neighborhood park west of State, the Senior Center was there, and it was felt it was important to maintain the historic characteristics of the park.

Councilmember Dierck stated that skateboards had been prohibited there because there was no place to skate except the sidewalks, which had caused the problem. If the skateboard park were sited there, then there would be an identified place to skate and the sidewalks would not have to be used for that.

The Mayor called for public comments.

Otto Herman, 7323 Grove Street, stated the most important criteria was simply to get the park built; too many years had gone by while the city considered the issue. He urged the council to move forward and let the reality of the funds available dictate where it could be built. He opined that adverse neighborhood reaction was based on the hoodlum image, rather than known kids who were actually using the parks. He had personally viewed many parks and talked with others in local government and their view was that skateboard parks were an asset.

Mike Elmore, 11800 47th Drive NE, stated he had been on the Park Board for many years. Skateboard parks had originally been viewed negatively but touring other parks had been enlightening. He suggested the most important criteria were parking, access, visibility for Police drive-by observations, and size. He was opposed to having it lit because there should be a dusk curfew; security lighting was all that was needed. He did not support on-site concessions because that created litter. He stated skateboarding was not noisy when it was done in parks. He encouraged councilmembers to visit some skateboard parks.

Ray Stanton, 5900 64th Street NE #8, Park Board member, agreed with Mr. Elmore's statements. He stated he was impressed with the politeness of the young people at the parks they had visited and that noise was not a problem.

Greg Corn stated he was a member of the Rotary Board. Rotary had withdrawn its \$75,000 pledge because it appeared the city was not making a commitment to the park. He thought Rotary was funding other projects until the city was ready to actually go forward.

Councilmember Leighan agreed the most important thing was to get the park built and suggested expanding the site search beyond city-owned properties. He stated the actual siting should be done by the Park Board.

Councilmember Dierck encouraged taking action and suggested the park should not be sited where there was known opposition.

Councilmember Brennick thought the most important criteria on the list were: restrooms, drinking fountain, close to transportation, and phones. If neighborhoods raised opposition, the council should heed that.

MOTION by Bartholomew, second by Brennick, to use the criteria submitted at this meeting for the skateboard park site selection. Motion carried unanimously (7-0).

CORRECTED: SEE 8-7-00
MINUTES s/b (6-0)

MOTION by Dierck, second by Brennick, to site the skateboard park at Youth Peace Park or Comeford Park.

DISCUSSION ON MOTION. Councilmember Leighan pointed out that the Peace Park was too small, ringed with trees and had no parking. A skateboard park was an incompatible use for Comeford Park, the city's only Victorian park. He stated neither site would support a skateboard park.

VOTE ON MOTION. On roll call vote, Bartholomew and Leighan voted nay; all others voted aye; motion carried (4-2).

CORRECTED: SEE 8-7-00
MINUTES

Mr. Elmore informed the Mayor and council that he resigned forthwith from further service on the Park Board.

New Business (Continued)

1. Professional services agreement, Harris & Associates, for engineering services

Mr. Winckler gave the background presentation, noting this work needed to continue while the city was attempting to fill the Land Development Technician position.

Councilmember Dierck asked if consideration had been given to using a county employee. Mr. Winckler responded that the work must be done in the city's offices on a full-time basis. The county would have to add another full-time person to its staff then dedicate that employee's time to the city's work. He added that the city would be seeking grants and loans but this consultant was needed now to maintain the timeline for inspections and the work in progress. One focus would be to review the surface water fee to determine if it was sufficient.

The Mayor called for public comments; there were none.

MOTION by Bartholomew, second by Leighan, to approve the contract with Harris and Associates to provide engineering services and direct the Mayor to sign the contract. Motion carried unanimously (6-0).

CONSENT AGENDA

1. Approve July 24, 2000 claims in the amount of \$453,412.69 paid by check nos. 53265 through 53488.
2. Approve liquor license renewals for Captain Dizzy Exxon, DMS Gas, Jim's Texaco & Grocery, Smokey's Cascadia, El Rinconcito, and Marysville Gas & Food Mart.
3. Approve renewal contract and authorize Mayor to sign renewal contract for Nationwide Recovery Services.
4. Approve contract amendment, 116th Street Master Plan, revised scope of services.
5. Approve Special Events Permit, Marysville Community Church Tent Service, August 2-6, 2000.
6. Approve Special Events Permit, Home Grown Street Fair, August 11-12, 2000.

MOTION by Leighan, second by Brennick, to approve items 1, 2, 3, 5 and 6. Motion carried unanimously (6-0).

Councilmember Dierck questioned item 4. Ms. Hirashima responded that the revised scope of work covered the additional tasks requested by the council. A workshop was scheduled for July 25 and hundreds of notices had been sent.

MOTION by Dierck, second by Brennick, to approve consent item 4. Motion carried unanimously (6-0).

Ordinances & Resolutions

1. An ordinance of the City of Marysville annexing certain unincorporated area known as the 164th Street annexation area to the City of Marysville and adopting comprehensive plan and zoning designations.

MOTION by Bartholomew, second by Leighan, to adopt ordinance 2329. Dierck and Smith voted nay; all others voted aye; motion carried (4-2).

LEGAL MATTERS

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business
None.
2. Staff's business
None.

3. Call on councilmembers

MOTION by Brennick, second by Dierck, to move the Trunk F to Trunk A intertie discussion from the August 7 meeting to the August 14 meeting. Leighan voted nay, all others voted aye, motion carried (5-1).

ADJOURN TO EXECUTIVE SESSION

The meeting adjourned into Executive Session at 10:45 p.m. to discuss potential litigation.

MOTION by Brennick, second by Bartholomew, to continue the Executive Session to 11:15 p.m. Motion carried unanimously (6-0).

RECONVENE AND ADJOURN

Council reconvened into regular session at 11:15 p.m. and voted to continue the Executive Session until 11:30 p.m.

Council reconvened into regular session at 11:30 p.m. and voted to continue the Executive Session until 11:45 p.m.

Council reconvened into regular session at 11:45 p.m. and voted to continue the Executive Session.

Councilmember Leighan departed at 12:15 a.m.

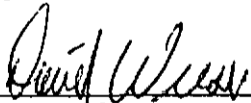
Council reconvened into regular session at 12:18 a.m.

MOTION by Dierck, second by Smith, to insert language into Ordinance No. 2326 as is in Ordinance 2327 declaring it an emergency ordinance, effective immediately, and including vesting only for lots with final plat approval as of the effective date of the ordinance. Dierck voted aye; all others voted nay; motion failed (1-4).

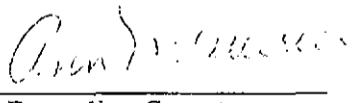
MOTION by Brennick, second by Bartholomew, to rescind the passage of ordinances 2326 and 2327 pertaining to the School District's Capital Facilities Plan and school mitigation fees, and continue this issue to August 14, 2000. Dierck and Smith voted nay; all others voted aye; motion carried (3-2).

The meeting adjourned at 12:22 a.m. on July 25, 2000.

Accepted this 7th day of August, 2000.


Mayor


City Clerk


Recording Secretary