
City of Bethel, Alaska

City Council Minutes

July 27, 2004

Regular Meeting

Bethel, Alaska

CALL TO ORDER

A regular meeting of the Bethel City Council was held on July 27, 2004 at 6:30 p.m. in the Council Chambers, Bethel, Alaska.

Mayor Short called the meeting to order at 6:30 p.m.

ROLL CALL

Comprising a quorum of the Council, the following were present:

R. Thor Williams	Michael O'Brien
Dave Trantham	Hugh Dyment
Hugh Short, Jr.	Andrei Jacobs
Stanley "Tundy" Rodgers	

Excused absence(s):

Unexcused absence(s):

Also in attendance were the following:

Laurie Walters, Acting City Manager
Selena Malone, Acting City Clerk

SPECIAL ORDER OF BUSINESS

Certificate given to Fred Pete, Sr. recognizing him as Honorary Captain of the Port

PEOPLE TO BE HEARD

1. Jack Robert Crow
 - Asked for Council's support in passing Ordinance #04-13
2. Tom Fazzini
 - Expressed his concerns regarding the 4th of July food service preparation
 - Offered his help and expertise regarding future food service preparation
3. Jim Valcarce
 - Asked, on behalf of ONC, why the City decided to raise water/sewer services
 - Suggested that the City cut other areas before raising the water/sewer prices
 - Asked to have Ordinance #04-10 put back on the agenda
4. George Dahl
 - Spoke against Ordinance #04-09
 - Stated the loss of the Animal control officer will place a burden on the officers and that the officers are not trained to deal with animal control issues

5. Geri Simon
 - Stated her appreciation for Council's agreement to change the term "or elsewhere" in Ordinance #04-13, and said how they can now move forward with the Assisted Living Home Project

6. Dana Hall
 - Spoke in favor of Ordinance #04-13
 - Stated that YKHC has \$3 million to start the assisted living home and needs \$9 to \$10 million and are continuing to look for addition funding through grants.
 - Indicated that they (YKHC) are hoping to have the Assisted Living Home open by late 2006

7. Caroline Nevak
 - Asked the Council to support the rewritten Ordinance which Council Member Williams has been working on, to change the wording from "reasonable distance" to "twenty-five feet" in reference to the distance of smoking for public buildings
 - Stated that she was approached by concerned citizens of Bethel regarding the smell of smoke in the entrance of A.C. Company

8. John Dickens
 - Stated that the Animal Control Officer position is a real essential public safety function
 - Stated that last year 52 out of 54 foxes were rabid
 - Explained that off-road vehicles are not designed for street legal use
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MOVED BY:	Rodgers	To suspend the rules to return to item #3, special order of business.
SECONDED BY:	Trantham	

VOTE ON MOTION	Motion passes unanimously 6-0
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Mayor Short presented Fred Pete, Sr. a certificate of recognition as Honorary Captain of the Port.

Mr. Pete thanked Howard Elliott for making him Honorary Captain of the Port.

9. Liz Lee
 - Asked for the Council's support on Ordinance #04-13

10. Janet Athanas
 - Asked Council to adopt November 21-27 as Family Week in Bethel
 - Introduced Girl Scout members from Anchorage and Iowa

11. Gladys Jung
 - Stated that the Seniors have been working for a long time to get a home in Bethel
 - Asked, on behalf of the elders in the Yukon-Kuskokwim Delta, to support getting an assisted living home for the elders

12. Dan Leinberger
 - Stated that he is in defense of and in support of Council's decision in regards to the water/sewer rate increases

- Wanted to clarify that money from water and sewer does not fund the Police Department or other Departments within the City, with one exception, that \$80,000 goes to the salting and dust control of the roads
- Stated that the General Fund stands on its own merits
- Noted that the water and sewer fund lost money last year and that if rates were not increased, the General Fund would have to subsidize the water and sewer
- Stated that Council has to have the political courage to do what is best for the City as a whole

APPROVAL OF MINUTES

MOVED BY:	Jacobs	To approve the minutes from the July 13 th meeting with the suggested amendments.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes unanimously 7-0
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Council Member Rodgers indicated that he received an email from Willie Kepple asking to change the July 13, 2004 minutes to reflect his statement.

Council Member Williams noted that he e-mailed corrections to the City Clerk and indicated areas, which he suggested, be changed.

APPROVAL OF CONSENT AND REGULAR AGENDA

MOVED BY:	Jacobs	To approve the consent agenda and regular agenda for the July 27, 2004 meeting.
SECONDED BY:	O'Brien	

Acting City Manager Walters asked that Administration remove Ordinance #04-21 from the agenda stating that the Finance Committee spent a considerable amount of time discussing that ordinance and asks that it be removed

MOVED BY:	O'Brien	To indefinitely table Ordinance #04-21.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passes unanimously 6-1 (Trantham)
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VOTE ON MOTION	Motion passes unanimously 7-0
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MAYOR'S REPORT

Mayor Short's report included the following:

- Appointment of William Nettles to the Parks and Recreation Committee
- Application of Lisa Wimmer for the Finance Committee

MOVED BY:	Rodger	To confirm Maylor's appointments with Council concurrence.
SECONDED BY:	Williams	

VOTE ON MOTION	Motion passes unanimously 7-0
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- Public Apology to Andrew Steele

Mr. Trantham stated that he is still waiting for his request in the appeal process as requested in the July 13, 2004 meeting.

MANAGEMENT TEAM'S REPORT

Acting City Manager Walters's report included the following:

- Car Crusher
- Unattended boat trailers at the Small Boat Harbor
- Personnel matters
- City Manager travel status

REPORTS OF STANDING COMMITTEES

Senior Advisory Board – Council Member Trantham reported that the City of Bethel and ONC are beginning the negotiations to transfer the Senior Center to ONC. Mr. Trantham noted that the scheduled transfer date is July 1, 2005, and indicated that the Council may be called on from time to time for assistance in the transfer. Council Member Trantham noted that the next Senior Advisory Board meeting is schedule for September 2004.

Parks and Recreation Committee – Council Member Jacobs reported that the Parks and Recreation Committee met on July 20th and that they meet every third Tuesday at 12:00 PM at the Log Cabin. Mr. Jacobs indicated that the topics of discussion included the Recreation Facility and the Boys and Girls Club.

Planning Commission – Council Member Rodgers reported that the Planning Commission met and that he was not present at that meeting. Reported that there was an application for a non-conforming property at 132 Blackberry Street and stated there was a pre-construction variance application from AVCP Rural Housing Authority to construct two buildings at 405 Ptarmigan Street which were presented to the Planning Commission.

Port Commission – Council Member Williams reported that the Port Commission did not have a quorum for the July 19th meeting and that no meeting was reschedule. The next Port Commission meeting is scheduled for August 26, 2004.

Public Works Committee – Council Member O'Brien reported that the Public Works Committee met on July 20th and discussed the dumpster ordinance (#04-06), water and sewer rate increases, and turning the Public Works Committee into a Commission.

Public Safety and Transportation Commission – Council Member Dyment reported that the Public Safety and Transportation Commission met on July 5th, and that he was not present at that meeting. Mr. Dyment reported that their next meeting is scheduled for August 2, 2004 and topics of discussion include the creation of an impound lot, an ordinance to reduce insurance fraud, and the Animal Control Officer.

Finance Committee – Mayor Short reported that there are minutes from the July 8th meeting, but not the last meeting. Mayor Short asked Mr. Dan Leinberger to update on the last Finance Committee meeting.

Dan Leinberger reported that the Finance Committee discussed the sales tax, liquor store, the water meter system, and amendments to Ordinance #04-06. Mr. Leinberger suggested that if the City is thinking of going through with a liquor store, that the City does a full business plan.

MOVED BY:	Dyment	To direct Administration to contact other Municipalities in Alaska, Canadian Yukon, and Northwest Territories to find out if they can deal with meters in their truck hauled system, with Council concurrence.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion passes unanimously 7-0
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UNFINISHED BUSINESS

MOVED BY:	Rodgers	To move to suspend the rules to go to Item C under Unfinished Business.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes unanimously 7-0
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Mayor Short left the meeting, time not noted.

Item A – Ordinance #04-11: An Ordinance increasing the sales and use tax rates from five percent to six percent and placing the issue on the October 5, 2004 ballot

No one present for public testimony

MOVED BY:	Rodgers	To adopt Ordinance #04-11.
SECONDED BY:	O'Brien	

Council Member Dyment expressed to the Council that he is personally opposed to an increase in sales tax and that the option of the sales tax is for the people to vote despite of Council's personal interests.

Council Member Jacobs indicated his support for the ordinance and stated that this is a meaningful issue and it could bring people to the ballot box.

VOTE ON MOTION	Motion passes unanimously 6-0
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Item B – Ordinance #04-12: An Ordinance placing the proposition of whether to approve a City operated liquor store on the October 5, 2004 ballot

- Raymond Watson expressed his opposition to Ordinance #04-12 stating that Bethel has come a long way and that he would rather see an increase in sales tax if the City is looking at producing revenue.
- Chief Dahl stated that a liquor store may not be bad if it was just dealing with Bethel, but since there are many villages, it makes Bethel a unique place. Mr. Dahl said the problem with the liquor store is that there is no way to control the sale of liquor and that pressure will come from outside Bethel. Chief Dahl also stated that the handling of intoxicated people by officers is mandated by law and that the time spent dealing with an intoxicated person today is more time consuming that it used to be. Chief Dahl expressed that the problems with having a liquor store would be greater than the City or Police Department would want to handle.

- Mark Springer indicated that there has not been a business plan established and that there seems to be no economic benefits for the City by opening a liquor store. Mr. Springer suggested that the City should work in harmony with the tribe to establish healthy economic development in Bethel.
- Yolanda Jorgensen spoke in favor of passing Ordinance #04 -12 stating that it should be the people's vote and stated that controls could be implemented and monitored. Ms. Jorgensen stated there are people who do know how to control their liquor and that if someone wants to drink, whether it's buying alcohol from a bootlegger or Anchorage, they are going to drink.
- Dan Leinberger stated that there are two issues to the liquor store. Mr. Leinberger stated the Council needs to look at this as money vs. alcohol issue. Mr. Leinberger expressed his discomfort in the revenue that a liquor store would make.

Council Member O'Brien stated that there are good and bad points to this topic, and expressed his concern as worded. Mr. O'Brien stated that he is not in favor of the liquor store as being City owned and operated. Council member O'Brien asked, with Council concurrence, that a motion be made to table the ordinance until the next regular Council meeting to get more information for the people

MOVED BY:	O'Brien	To table Ordinance #04-12 until the August 10, 2004 meeting.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion Fails 2-5 (No - Dymont, Williams, Rodgers, Jacobs)
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MOVED BY:	Dymont	To adopt Ordinance #04-12
SECONDED BY:	Rodgers	

MOVED BY:	Rodgers	To amend the motion to get the information from three communities up North to provide to the community.
SECONDED BY:	O'Brien	

MOVED BY:	Dymont	To amend the amendment to have Administration come up with the information from the three communities that have a liquor store up North to provide that information to the community by August 24, 2004.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion passes unanimously 5-1 (No -Trantham)
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VOTE ON MOTION	Motion passes unanimously 5-1 (Trantham)
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MOVED BY:	Trantham	To amend the amended motion to call for a second public hearing on Ordinance #04-12 on August 10, 2004.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion Fails 3-3 (No - Dymont, Williams, Rodgers)
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VOTE ON MOTION	Motion Fails 3-3 (No -Jacobs, O'Brien, Trantham)
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Item C – Ordinance #04-13: An Ordinance authorizing amendments to the proposed lease of City owned property to Yukon-Kuskokwim Health Corporation for an Assisted Living Home for the elderly and/or adults with disabilities

Item C moved to be heard before Item A, motion noted under unfinished business.

John Dickens asked that the Council support Ordinance #04-13 as amended stating that he wants an Assisted Living Home for the elders and that he knows a lot of people who have worked long and hard on getting an assisted living home in Bethel.

Mark Springer encouraged the Council to approve this Ordinance as amended stating that the words "or elsewhere" are powerful in terms of the extension of liability to YKHC and that it does not make sense to have those words in the ordinance.

Louise Charles asked Council's support in passing Ordinance #04-13, stating that she has seen at least 20 elders of this community leave Bethel to go to nursing homes and assisted living homes around the state and stressed that Bethel needs an Assisted Living Home.

MOVED BY:	O'Brien	To Approve Ordinance #04-13.
SECONDED BY:	Rodgers	

Council Member Dymant expressed that the City needs an Assisted Living Home and stated there is a mistake in the language and he was unaware of the City's Attorney wanting that language in the Ordinance.

Council Member Jacobs stated he supports this ordinance.

Council Member Rodgers explained why he seconded this motion and expressed that this ordinance should go through.

Council Member Trantham made apologies for the wording "or elsewhere," and thanked everyone for their hard work on the Assisted Living Home.

Council Member Williams stated that when the initial ordinance came up, the Council supported it as presented and passed the ordinance. Mr. Williams stated that during the process of starting the Assisted Living Home he has learned that he will go to ONC from now on for tribal approval. Council Member Williams expressed his disappointment in the process, how it took so long, and loopholes that it took to get this Assisted Living Home started.

VOTE ON MOTION	Motion passes unanimously 6-0
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MOVED BY:	O'Brien	To suspend the rules to move Resolution #04-28 to the next order of business.
SECONDED BY:	Trantham	

Mr. O'Brien explained that there was a gentleman waiting to speak on the coal-fired power plant agenda item.

VOTE ON MOTION	Motion passes unanimously 6-0
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Item D – Ordinance #04-14: An Ordinance amending Bethel Municipal Code Section 8.15.020 entitled "Fine Schedule," to make parents or legal guardians jointly and severally liable for any fines for violation of the youth helmet requirements of Bethel Municipal Code section 8.15.010

Yolanda Jorgensen stated that she is in favor of making parents responsible for their children.

MOVED BY:	O'Brien	To approve Ordinance #04-14.
SECONDED BY:	Jacobs	

Council Member Dyment stated that this was the original intent of the Council.

VOTE ON MOTION	Motion passes unanimously 6-0
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Item E – Ordinance #04-15: An Ordinance amending the Bethel Municipal Code to create a permit system to allow logs and log rafts to be brought into and offloaded in the small boat harbor

There was no one present for public testimony on Ordinance #04-15, second public hearing scheduled for August 10, 2004.

NEW BUSINESS

Item A – Ordinance #04-20: An Ordinance accepting the Cadastral Project grant award, authorizing the professional services contract with ASCG regarding the Cadastral Project, and exempting the ASCG professional services contract from the procurement code provisions of chapter 4.20 of the Bethel Municipal Code

MOVED BY:	O'Brien	To introduce Ordinance #04-20 with a public hearing set for August 10, 2004.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes unanimously 6-0
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Item B – Ordinance #04-21: An Ordinance amending the Bethel Municipal Code at section 4.04.060 entitled "Budget – Amendment" to require the Finance Department to monthly report to the City Council regarding maintenance of a minimum fund balance for the operating budget

Ordinance #04-21 removed from the Agenda

Item C – Ordinance #04-09(A): An Ordinance of the Bethel City Council Amending the Adopted Annual FY 2004-2005 Budget

MOVED BY:	Jacobs	To introduce Ordinance #04-09(A) with a public hearing set for August 10, 2004.
SECONDED BY:	Trantham	

Council Member Dyment stated that he would probably vote against Ordinance #04-09(A) and that he would like to have this ordinance tabled until Administration has a chance to tell Council their opinions on the proposed amendments.

Council Member O'Brien stated that he does not have a problem with management having a chance to review this and noted that this is just an introduction and tabling the ordinance is moot.

Vice-Mayor Williams clarified that there is only one position cut, that the dog catcher's position is vacant.

Council Member Dyment expressed his concerns of timing and cutting a position when the BMC states that the City has to have an Animal Control Officer (ACO).

Acting City Manager Walters clarified that the Animal Control Officer position is not vacant and that an existing City of Bethel employee had applied and transferred to the ACO position.

Vice-Mayor Williams stated that the City Administration went behind Council's back when they said that they would leave positions vacated to make \$164,000 lack of personnel costs so that Council would not have to make cuts.

Acting City Manager Walters stated that the City Administration had made a commitment to meet the budget reduction through salary and benefits increases and realizing that some positions are necessary to be filled for safety reasons. Ms. Walters also stated that she did not recall if the City Manger saying that the City would all position vacant for three months or for a specified period of time.

Vice-Mayor Williams stated that in front of Council, after the departure of the previous ACO, that the ACO position would remain vacant. Council Member Williams indicated that Administration stated that they would not transfer someone to the ACO position. Mr. Williams then asked if the Acting City Manager is jeopardizing a City employee's employment because the Administration is not discussing these issues with City Council and if the ACO understands that position.

Acting City Manager Walters noted that the ACO understand that there is intent amongst Council to eliminate his position.

Council Member Dyment stated that he understood how the Council was going to save \$164,000 in personnel cuts in the same way that Acting City Manager Walters did. Mr. Dyment also stated that he understood that some positions must be filled immediately after they become open whereas some do not get filled for a while, but that it is Administration's responsibility to have that total come out to what Council has agreed to. Council Member Dyment pointed out that the different interpretations were another reason to table this ordinance until the August 24th meeting.

MOVED BY:	Rodgers	To suspend the rules to go past 10:00 PM.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion passes unanimously 6-0
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VOTE ON MOTION	Motion passes 5-1 (No – Dyment)
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Item D – Resolution #04-25: A Resolution by the City Council to adopt the Public Works Committee dust abatement recommendations and implement scheduling

MOVED BY:	Jacobs	To approve Resolution #04-25.
SECONDED BY:	Rodgers	

Mr. O'Brien thanked the Public Works Director and his staff for doing a fine job with the Calcium Chloride.

VOTE ON MOTION	Motion passes unanimously 6-0
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Item E – Resolution #04-26: A Resolution by the City Council accepting a 2004 trails grant from the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation

MOVED BY:	Jacobs	To approve Resolution #04-26.
SECONDED BY:	O'Brien	

Council Member Trantham noted that the resolution indicates that there is a match requirement of \$3558 and asked if Council needed prepare a budget amendment.

Acting City Manager Walters stated that the Council would need to pass an Ordinance for this budget modification as is noted in the "now therefore" section.

MOVED BY:	Jacobs	To amend Ordinance #04-09(A) to include the match for the \$3558.
SECONDED BY:	O'Brien	

Council Member Trantham stated that a funding source needed to be identified.

Council Member Jacobs asked, with Council's concurrence, that Administration be directed to identify a funding source.

Council Member Jacobs withdrew his motion.

Council Member O'Brien agreed with the withdrawal of the motion

Acting City Manager Walters suggested that there be an amendment to resolution #04-26 to remove the words, "fund balance as a source of cash match."

MOVED BY:	Rodgers	To remove the words "fund balance as a source of cash match," from Resolution #04-26.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion passes unanimously 6-0
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VOTE ON MOTION	Motion passes unanimously 6-0
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Item F – Resolution #04-27: A Resolution by the City Council to support Council member(s) in their involvement on the Delta Tobacco Control Alliance

MOVED BY:	Rodgers	To adopt Resolution #04-27.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion passes unanimously 6-0
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Item G - Resolution #04-28: A Resolution by the City Council supporting Calista Corporation's efforts to place a Coal-Fired Plant in Bethel to provide power to the Donlin Creek Project

Mark Stemp, President/CEO of Bethel Native Corporation (BNC), summarized a letter, which was provided to the Council stating that at the BNC annual meeting, the Bethel Shareholders unanimously voted in opposition to any construction of a coal-fired generation plant. Mr. Stemp asked the Council

to defeat resolution #04-28. Mr. Stemp also stated that BNC is concerned about the land issue, the possible effects on the fish camps, and the environmental impacts.

Council Member Dymont stated that he does not have enough facts to vote on the resolution at this meeting. Mr. Dymont indicated that he wanted researched facts from Calista Corporation, Bethel Utilities Corporation, and BNC before the Council Votes on Resolution #04-28.

MOVED BY:	Dymont	To table Resolution #04-28 until the August 24 th meeting to welcome any party to give information and speak to the Council on the matter.
SECONDED BY:	Jacobs	

VOTE ON MOTION	Motion passes unanimously 6-0
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Item H – Resolution # 04-29: A Resolution by the Bethel City Council supporting the FY05 mini-grant application submitted to the State of Alaska, Department of Community & Economic Development for a multiuse recreation facility plan

MOVED BY:	Jacobs	To adopt Resolution #04-29.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes unanimously 6-0
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Item I – Resolution #04-30: A Resolution for a proposed liquor store control ordinance

MOVED BY:	Jacobs	To table Resolution #04-30 until August 10, 2004.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes unanimously 6-0
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Item J – A Proclamation Recognizing and honoring National Guard and Reserve employers of Bethel

Council Member Rodgers asked for unanimous consent to accept the proclamation declaring September as National Guard and Reserve Employer month. Council gave unanimous consent and the proclamation was read aloud.

Council Member Trantham requested that the signed copy be provided to the media and National Guard.

Item K – Discussion Item: Car Crusher

Council Member O'Brien indicated that Shorty Salzbrun purchased a car crusher and that the crusher is made available for City use provided that the City provides cars for crushing to Mr. Salzbrun.

Council Members discussed the cost and time frame in which the car crusher is anticipated to start.

Council Members gave unanimous consent to approve the car crusher, based on approval of the Public Works Committee's recommendation, to proceed with the use of the car crusher, through the direction of the Administration.

Item I – Discussion Item: FY 2004 preliminary year-end budget

Acting City Manager Walters stated that the report did not include expenses or revenues which will accrue in the 60 days following the close of the fiscal year and that the sales tax figure was not a final number yet.

Council Member Dymont asked if that applied to the gaming taxes as well.

Acting City Manager Walters stated that the figures for all the sales and use taxes were not final figures.

Council Member Williams stated that he wants Administration to notify Council immediately when any part of the budget is gone over.

Council Member Rodgers stated that the Council should direct the Administration to utilize the AML attorney prior to using the City attorney.

MOVED BY:	Jacobs	To suspend the rules to go past 11:00 PM.
SECONDED BY:	Rodgers	

VOTE ON MOTION	Motion passes unanimously 6-0
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Council Member Comments

Council Member Dymont – stated that the Council hasn't followed Robert's Rules of Orders.

Council Member Jacobs – recognized Tina Harness for her participation in the World Eskimo Indian Olympics pageant.

Council Member O'Brien – thanked the Girls Scouts for coming and thanked the Public Works Department and Adam Goodwine for their work and completion of the ball field.

Council Member Trantham – Thanked the City Clerk for sitting in on the AML Board meeting on July 14, 2004. Mr. Trantham reported that the community dividend did not pass. Council Member Trantham also noted that AML has legal services, that AML offers training, and that the next AML Board meeting is on August 19th and 20th. Council Member asked for Council's permission to attend the next AML meeting in Kenai. Unanimous consent was given by Council for Council Member Trantham and the Mayor to attend the next AML meeting.

Council Member Dymont left the meeting at 11:20 PM.

Council Member Rodgers – reported on a letter from the Code Enforcement Officer, Emily Kutch.

Council Member Williams – requested a special meeting on August 4, 2004 at 6:30 PM to discuss the City Clerk's position.

MOVED BY:	Jacobs	To adjourn the meeting at 11:30 p.m.
SECONDED BY:	O'Brien	

VOTE ON MOTION	Motion passes unanimously 6-0
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With no further business before the Council, the meeting was adjourned at 11:30 p.m.

APPROVED THIS 28th day of August, 2004.

ATTEST:

Hugh Short, Jr., Mayor

Selena Malone, Acting City Clerk