

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, June 1, 2015. Mayor Knapp called the meeting to order at 7:00 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Councilor Starr  
Councilor Fitzgerald  
Councilor Stevens - Excused  
Councilor Lehan

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Mike Kohlhoff, City Attorney  
Sandra King, City Recorder  
Susan Cole, Finance Director  
Cathy Rodocker, Assistant Finance Director  
Stan Sherer, Parks and Recreation Director  
Jon Gail, Community Relations Coordinator  
Nancy Kraushaar, Community Development Director  
Stephan Lashbrook, SMART Director

Motion to approve the order of the agenda.

**Motion:** Councilor Starr moved to approve the order of the agenda. Councilor Lehan seconded the motion.

**Vote:** Motion carried 4-0.

## **MAYOR'S BUSINESS**

### **A. Upcoming Meetings**

Mayor Knapp announced the next City Council meeting scheduled for June 15, 2015. He reported on the regional meetings he attended on behalf of the City including the Clackamas Cities Dinner; Westside Economic Alliance, the City's Leadership Academy and the Budget Committee meetings.

## **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

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Mitchell Bliss, asked Council to consider converting the left turn indicator in the traffic signal at Wilsonville Road and Willamette Way East to a flashing yellow arrow during the off-peak travel times. Mr. Bliss collected signatures of support for the change from residents in the neighboring homes.

Mr. Cosgrove asked Mr. Bliss to provide his contact information to Jon Gail, so the Engineering Department can review and respond to the suggestion.

Members of the Wilsonville Community Sharing (WCS) Board, Richard Spence, Tammy Puppo, Wes Morris and Dick Watson, reported on the activities of the WCS Board. They spoke about the increased demand in the community for services, and noted the available funding for utility bill support had been completely expended. They talked about their plans for fundraising and increasing community awareness about WCS. The Board will be looking for innovative ways to fund their programs. It was pointed out the amount of contributions from foundation grants have decreased; however, contributions from individuals and churches had increased. The Board members clarified any assistance for payment of utility bills, or rent etc. go directly to the utility, and not to the client asking for the aid and that the information and referral specialist uses strict guidelines to determine who qualified for assistance.

Council was supportive of the fundraising efforts to create a sustainable program. They were confident the increased outreach will benefit WCS.

Mayor Knapp indicated Council needed to provide direction to staff about the agreement between Wilsonville Community Sharing and the City which expires June 30<sup>th</sup>.

Councilor Starr recommended removing the language regarding the parameters of the unemployment percentage and base the support on the need specific to Wilsonville.

Mr. Cosgrove agreed with Ms. Cole's recommendation to continue the existing agreement for three to six months, giving staff time to work with WCS on some metrics and data based on the local situation, and then bring the new language back to the Council at the appropriate time.

Council directed staff to return with an agreement extending the utility relief program which allowed staff time to amend the language in the agreement based upon needs specific to Wilsonville.

**COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

Council President Starr – (Park & Recreation Advisory Board Liaison) announced community events including the weekly Thursday Farmers Market in Villebois; the water features will be turned on June 13<sup>th</sup> in Town Center Park and Murase Plaza and the new playground equipment in Murase Park is now available for play. He also noted Wilsonville was identified as the best city in Oregon in which to open a business.

Councilor Fitzgerald – (Development Review Panels A & B Liaison) stated the upcoming meeting dates for the DRB-Panels and the Library Board.

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Councilor Lehan– (Planning Commission and CCI Liaison) commented the Memorial Day events at Pleasant View Cemetery were very successful. The Councilor asked why the water features in Murase Plaza and Town Center Park were not open prior to the last day of school. Originally the timing was to allow preschoolers to enjoy the fountains without the larger kids there after school is let out.

Mr. Cosgrove responded it had been a budget decision to push the opening date back and allow keeping the fountains open later in the season.

Councilor Lehan asked to have the fountains open earlier to allow the younger children to enjoy the fountain without the older children. She announced the items to be considered at the next Planning Commission meeting.

**CONSENT AGENDA**

Mr. Kohlhoff read the consent agenda items into the record.

A. Minutes of the May 18, 2015 Council Meeting.

**Motion:** Councilor Fitzgerald moved to approve the consent agenda. Councilor Lehan seconded the motion.

**Vote:** Motion carried 4-0.

**PUBLIC HEARING**

A. **Resolution No. 2533**  
A Resolution Declaring The City’s Eligibility To Receive State Shared Revenues.

B. **Resolution No. 2534**  
A Resolution Declaring The City’s Election To Receive State Shared Revenues.

Mr. Kohlhoff read the titles of Resolution No. 2533 and 2534 into the record and noted a joint public hearing to take testimony can be conducted, but the resolutions should be individually adopted with the eligibility Resolution going first.

Mayor Knapp opened the public hearing at 7:43 p.m. and announced the hearing format.

Susan Cole, Finance Director presented the staff report. Oregon law requires the public be given two opportunities to comment on receiving state shared revenues and their proposed use. The first opportunity is extended during the Budget Committee meeting held on May 14, 2015. The second opportunity is offered in conjunction with the budget adoption. The opportunity for the public to address the Budget Committee pertaining to state shared revenues was offered at the meeting on May 14, 2015. No public testimony was received. State revenues allow, in part,

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funding for the road operations program, facility and parks maintenance, law enforcement, parks and recreation services and library operations

Mayor Knapp invited public comment, hearing nothing he closed the hearing on Resolutions No. 2533 and 2534 at 7:47 p.m.

**C.     Resolution No. 2535**

A Resolution Of The City Of Wilsonville Adopting The Budget, Making Appropriations, Declaring The Ad Valorem Tax Levy, And Classifying The Levy As Provided By ORS 310.060(2) For Fiscal Year 2015-16.

Mr. Kohlhoff read the title of Resolution No. 2535 into the record.

Mayor Knapp opened the public hearing at 7:47 p.m. and announced the hearing format.

The staff report was presented by Susan Cole.

Following the Budget Committee vote to approve the budget the City Council must hold a public hearing and receive comments on the budget prior to adoption. Council must adopt the budget no later than June 30, 2015.

By law, the Council may make changes in the approved budget within certain limitations: (1) taxes may not be increased over the amount approved by the budget committee, and (2) estimated expenditures in a fund cannot be increased by more than \$5,000 or 10 percent, whichever is greater. The Council can reduce the budget from that approved by the Budget Committee.

The Budget Committee amended the FY 2015-16 budget in the following ways:

- The General Fund program of Administration was increased by \$15,000 in order to enhance funding previously allocated to help community members in need.
- The General Fund contingency was reduced by \$15,000 to accommodate the above and keep the General Fund in balance.
- The Water Fund program of Water Distribution and Sales was decreased by \$13,688 to reflect the removal from the budget of the membership to the Regional Water Consortium.
- The Water Fund contingency was increased by \$13,688 to accommodate the above and keep the Water Fund in balance.

Mayor Knapp asked for public testimony.

Mike Shangle, referred to the law enforcement budget and noted it is up about ten percent over last year's budget and asked for an explanation.

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Mr. Cosgrove explained this is due to the addition of one more sergeant to help with supervision of the line officers. The rest is contractual costs for operating increases. Experience has shown the City will not pay the entire budgeted increase, and the City is credited back what is not spent.

Ms. Cole added the City budget includes a 4.3 percent increase over the current contract for police services with Clackamas County. The contract includes all the equipment for the officer and police car, gasoline, cost of living increases, in addition to training.

Mr. Cosgrove offered to provide Mr. Shangle the police protection cost comparison information of Wilsonville to surrounding communities. Mr. Shangle declined the information and indicated he was satisfied with the answers.

Mayor Knapp pointed out the City has the second lowest crime rate of the 21 metro cities, even though Wilsonville is spending less per capita than the comparison cities.

Mayor Knapp closed the hearing on Resolution No. 2535 at 7:59 p.m.

**Motion:** Councilor Starr moved to approve Resolution No. 2533. Councilor Fitzgerald seconded the motion.

**Vote:** Motion carried 4-0.

**Motion:** Councilor Lehan moved to approve Resolution No. 2534. Councilor Fitzgerald seconded the motion.

**Vote:** Motion carried 4-0.

**Motion:** Councilor Starr moved to approve Resolutions No. 2535. Councilor Lehan seconded the motion.

**Vote:** Motion carried 4-0.

D. **Resolution No. 2536**

A Resolution Of The City Of Wilsonville Adopting The Proposed Master Plan For Memorial Park Improvements.

Mr. Kohlhoff read the title of Resolution No. 2536 into the record.

Mayor Knapp opened the public hearing at 8:02 p.m. and explained the hearing process.

The staff report was presented by Stan Sherer, Parks and Recreation Director. Mr. Sherer introduced consultant Mike Zilis of Walker-Macy.

The City of Wilsonville initiated the master planning process for Memorial Park in October 2014. The process has produced the preferred conceptual design presented to Council for consideration and possible adoption tonight.

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The City of Wilsonville solicited proposals from qualified landscape architectural and planning firms to update the long-range plan for the development and restoration of the 126 acre Memorial Park. Walker-Macy of Portland was chosen to manage the master planning process. The scope of work consisted of analyzing existing park uses and the demographics of the existing participation base, developing a conceptual design for rehabilitation and improvement projects, developing an operations and programming model, calculating cost estimates for the proposed enhancements, improving Willamette River access, and balancing the active and passive recreational opportunities to ensure respect of the natural environment while addressing the existing and perceived demand for recreation services.

The Parks Advisory Board approved the proposed plan and the Planning Commission passed a resolution recommending that the City Council adopt the Master Plan for Memorial Park improvements. The Planning Commission did include in their motion recommendations to add an additional sand volleyball court, add language to the Plan to consider the potential of adding synthetic turf athletic fields beyond what is currently depicted, and amend the phasing plan by moving the river access elements of the Plan into the first phase of development.

Mike Zilis used a PowerPoint to present the preferred plan recommended for adoption by the Planning Commission. The Plan is a balance of recreational and passive activities, will improve circulation for both vehicles and pedestrians, identify entries and improve parking, identify trail systems, preserving the environment while providing additional recreation opportunities. Mr. Zilis described the public participation and input process which included a number of open houses and an online survey. Comments were received from park users, in addition to listing priorities, one of which was river access in terms of views and small watercraft dock. Three options were presented to the community, and the proposal is a result of those conservations.

The park is divided into four quadrants: Murase Plaza, East, Riverfront and West. Mr. Zilis described the character, composition, and relation of the quadrant to adjacent elements and the neighboring community as well as providing details of those park spaces. The Planning Commission requested that river view overlooks be moved up to phase one on the project priority list; this recommendation will be incorporated into the final document.

Mr. Sherer stated should Council move to adopt the Master Plan, the motion should also include the approved recommendations made by the Planning Commission.

Mr. Kohlhoff suggested adding to Section 1 in the resolution the following phrase, "as recommended by the Planning Commission."

Councilor Lehan liked the overall concept of the Master Plan. She did express concern over the significant loss of meadow in the area of the disk golf course with the planting of additional trees. The loss of the meadow will eliminate a view of the Willamette River from the old Kolbe home site and eliminate the interface habitat between the forest and meadow and river. The Councilor said the open meadows in the city, Graham Oaks and the Boeckman Crossing have become forested due to the plantings and thought more trees were not needed in Memorial Park. She asked if that many trees were required in a disk golf course.

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Ms. Zilis said disk golf was a flexible activity that can be played in a meadow or forest. If the desire is to keep more meadow the plan can be adjusted.

Councilor Lehan recommended not over landscaping the area.

Mr. Cosgrove suggested if Councilors wanted to see fewer trees, they can include that in their motion.

Councilor Starr was glad to see the five ball fields and the attendant features. He asked if the regional walking trails could be used by bikes. Councilor Starr referred to page 87, and questioned the revenue numbers and asked for an explanation, in addition to the types of improvements made to the Stein Barn to increase the revenue rates. He asked if the figures on page 88, were labor costs for maintenance. The Councilor cautioned against overplanting the park.

Mr. Zilis stated the regional trail runs through the City and may be used by both pedestrians and bicycles. He indicated Councilor Starr's assumption on page 88 was correct.

Mayor Knapp wondered if there were enough trees in the Murase Plaza area near the fountain to shade people. He asked if the landscaping plans were included in the Master Plan by location. The Mayor was impressed with the amount of public input during the open houses and through the online survey.

Mr. Sherer said there is a funded project to terrace the banks above the water feature in Murase Plaza and to introduce trees for shade. This project will begin as soon as school begins in the fall. Specific landscaping plans were not called out in the Master Plan.

Councilor Starr commented if trees were to be added in the fountain area, do not obscure the line of sight for parents watching their children.

Councilor Fitzgerald agreed with the comments of the other councilors; she appreciated protecting the meadow habitat and the connectivity features of the park favored by the public. The design elements that were included to protect neighboring home owners provided a balance of interest.

Councilor Lehan asked if trail signage was included in the Plan to help walkers to find their way through the forested trails. She suggested the types of signs and maps used in Grahams Oak Park as a simple solution.

Mr. Kohlhoff was not sure he had captured the comments regarding the tree plantings and disk golf; but if Council wanted to add after "as recommended by the Planning Commission" "and with direction to plant less trees for forest disk golf and to use the north portion of the river meadows instead".

Mr. Cosgrove thought the Council did not need to be specific, but to adopt the plan per the recommendation of the Planning Commission and to provide direction to staff that before the

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disk golf feature is added that staff would come back to Council and check in before any construction was done.

Mayor Knapp invited public testimony.

Mark Kochanowski indicated he had been involved in youth sports for a number of years, and he supported retaining all five of the ball fields.

Mayor Knapp closed the hearing on Resolution No. 2536 at 8:39 p.m.

**Motion:** Councilor Lehan moved to approve Resolution No. 2536 including the modifications approved and recommended by the Planning Commission, and with direction to staff to come back with a fully detailed landscape plan for the disk golf area also known as the east side meadow. Councilor Starr seconded the motion.

Councilor Starr observed a concession stand near the ball fields may be a source of revenue to help pay for facilities in the Park. He noted the Council was approving a Master Plan without a funding source for the improvements.

Mayor Knapp stated the amount of collaboration with the community has been impressive. It goes to the unacknowledged vision the community has had over the years in setting aside this much park in these beautiful locations. This is a major step, although it is not funded, once we have a plan portions can be funded year by year going forward.

**Vote:** Motion carried 4-0.

E. **Resolution No. 2537**

A Resolution Of The City Of Wilsonville Adopting The Wilsonville Americans With Disabilities Act (ADA) Title II Transition Plan For Public Right-Of-Way & City Parks Facilities; And Repealing Resolution No. 897 Establishing A Disability Review Board, Defining The Authority And Duties Of The Board, Establishing Organization Of The Board, And Coordinator To Implement Disability Laws, Establishing A Procedure For Complaints To Be Addressed And Other Matters Pertaining Thereto.

Mr. Kohlhoff read the title of Resolution No. 2537 into the record.

Mayor Knapp opened the public hearing at 8:44 p.m. and announced the hearing format.

The staff report was presented by Zach Weigel City Engineer. He introduced Heather Buczek of MIG. Title II of the Americans with Disabilities Act (ADA) requires that public entities with 50 or more employees develop a transition plan that provides for the removal of physical barriers that limit individuals with disabilities access to local government programs, activities, or services. Parks facilities and other facilities in the public right-of-way constitute a service, program or activity of the City and are therefore subject to these regulations.

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In preparation for developing the Plan, the City conducted an inventory of all park facilities in 2014, as well as all curb ramps, pedestrian signals, and transit facilities located within the public right-of-way. The inventory identified facilities that did not meet current ADA design standards. Any facility that is ADA deficient is labeled as a “physical barrier” in the Plan.

In January 2015, the City hired MIG, Inc. to utilize the City’s ADA inventory information and develop a Transition Plan in accordance with ADA Title II regulations. The Plan identifies a 10 -20 year barrier removal program that includes the following information:

- Identification of the barriers to program access;
- Identification of the specific barrier removal actions;
- Identification of a schedule for barrier removal; and
- Identification of responsibility for ensuring barrier removal.

Barrier removal within park facilities is to occur as part of changes in park programming and regular parks maintenance projects, the majority of which are scheduled to be completed within the next five years.

ADA facilities within the public right-of-way are typically improved when located within the limits of an infrastructure repair or replacement project or when impacted by nearby construction projects. The Transition Plan asserts that barriers within the public right-of-way will be removed under the following conditions:

- As part of a Capital Project for new construction or roadway alterations;
- As part of a Private Development Project affecting public right-of-way;
- As part of maintenance and repair projects and programs (Street Maintenance Program);
- Dedicated fund for ADA barrier removal (currently \$10,000 per year);
- Actively seek out and apply for grant funding specific to removal of access barriers.

Adopting the ADA Title II Transition Plan (Plan) will bring the City into compliance with Title II of the ADA for parks facilities, as well as curb ramps, pedestrian signals, and transit facilities within the public right-of-way.

The Plan will also help the City identify ADA barrier removal needs as part of Capital Project development, inform Private Developers of barrier removal requirements, and help determine an adequate funding level of the Street Surface Maintenance Program. As these access barriers are removed, the City’s programs, activities, and services will be made available to all members of the public, including those with disabilities and limited mobility.

Upon adoption of the Plan, the City will continue to plan for ADA barrier removal as part of capital and maintenance projects. Also, the City will begin documenting where and when ADA barriers have been removed, demonstrating the City’s progress with Title II compliance.

It is important to note that regardless of the Plan, curb ramps are required to be upgraded to current standards by the U.S. Department of Justice and U.S. Department of Transportation as part of any roadway alteration project. These roadway alterations include any work that adds structure to an existing roadway surface, including asphalt overlays, grind and inlays, and micro

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surfacing; typical work that is associated with the City's Street Maintenance Program. The Street Maintenance fee is scheduled to be updated next fiscal year, including non-compliant curb ramp repair costs will be evaluated at that time. The Plan will be a valuable resource in determining anticipated curb ramp costs as part of this fee update.

The amended 2014-15 Wilsonville Budget includes \$49,155 in Road Operating funds and \$39,880 in Parks System Development Charges for the ADA Title II Transition Plan (Plan) project. A portion of the funds were used to complete the ADA barrier inventory for both the public right-of-way facilities and parks facilities. The City has contracted with MIG, Inc. to prepare the Plan in the amount of \$47,906.00.

Please note that the Plan is primarily a strategic planning document for barrier removal that also identifies the location of access barriers in City parks, curb ramps, pedestrian signals, and transit facilities within the public right-of-way. The Plan in itself is not expected to significantly impact the City's Capital Improvement or maintenance program budgets.

A public workshop was held on February 10, 2015 for community members to review the type and location of ADA barriers and obtain feedback on which deficiencies pose the greatest barrier to access and mobility. On May 7, 2015, a follow up open house was held to provide an opportunity for the public to review and comment on a draft of the ADA Transition Plan document.

The City targeted notice of the public meetings to community members, as well as regional disability groups and local care facilities through notices via the Boones Ferry Messenger, press releases, website, email, and mailings. In addition, interested persons are able to track the progress of the project, view upcoming meetings, and review and submit comments on all documents through the project website at [www.ci.wilsonville.or.us/ADA](http://www.ci.wilsonville.or.us/ADA).

Adoption of the ADA Title II Transition Plan (Plan) will allow the City to better plan for ADA barrier removal as part of Capital Improvement projects, Private Development improvements, the Street Maintenance Program, and other maintenance and repair programs in accordance with Title II of the ADA. As these barriers are incrementally removed, all community members, specifically those with disabilities and limited mobility, will be able to better access City services, programs, and activities.

In accordance with Title II of the ADA, the City is required to develop a transition plan that provides for the removal of physical barriers that limit individuals with disabilities access to local government programs, activities, or services. In the development of the Transition Plan, City staff considered a number of alternatives regarding the prioritization of barrier removal. The proposed Plan balances the needs of the community with the requirements of ADA Title II. Barriers at entrances and pathways of park facilities and associated programs are given the highest priority. For public right-of-way facilities, barriers at locations serving government offices and public facilities are the top priority.

Ms. Buczek explained the Americans with Disabilities Act is a civil rights act, whose primary purpose is to provide equal access to programs, services and activities provided by public

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agencies. To fulfill the requirements of a Title II Transition Plan, the City first completes a facilities assessment, next identify a person responsible for compliance of the Title II Transition Plan, and also develop a Transition Plan schedule for structural modifications to become compliant with the ADA.

Options to accomplish the ADA goals include making the alternations identified at specific facilities, move the program or activity to a different facility that is accessible, or provide ancillary aid and services to assist the individuals. Any new construction or alternations must come into compliance with the current ADA code and the Oregon Structural Code. The plan for Wilsonville covers four specific facilities, parks, curb ramps, transit stops and pedestrian signals. Ms. Buczek reviewed the assessment process for the four facilities identified and the timelines to make the improvements.

Mr. Weigle explained if a complaint is made, the City would verify an actual barrier existed, and if so, the removal of the verified barrier will be scheduled within one year of the complaint as part of a capital project or maintenance project for repair. If the improvement was not made, the complainant may go to the Department of Justice and complain there, then DOJ can compel the City to make the correction immediately.

Mr. Kohlhoff added by having the Transition Plan and showing the City has a reasonable approach to this allows the City some negotiating room if there were complaints.

Mr. Cosgrove stated the Plan is a “safe harbor” for the City, as long as the City makes a good faith effort to implement the Plan it provides some protection. The current standards for all new development meet ADA standards per the Oregon State building code. Public facilities meet all ADA requirements; if new ADA regulations are passed the City would have to incorporate them into the City’s standards.

Councilor Lehan expressed concern about the design of sidewalk/driveway slopes and people in wheel chairs having difficulty negotiating them. Another option is the use of a rolled curb which allows a flat sidewalk.

Mr. Weigle said the recently adopted TSP and Public Works Standards do prioritize setback sidewalks with planter strips which help to reduce the number of sidewalk slopes to driveways.

Mr. Kohlhoff noted Engineering is very aware of the issue Councilor Lehan raised.

Mayor Knapp referred to page 20 of the ADA plan where it stated the explanation of “safe Harbor” would be provided later in the document; however he was unable to locate the reference.

Ms. Buczek stated that definition was on page 34 of the Plan and explained the basic concept of safe harbor is if the curb ramp was built to standards at the time, and then the code changes, the curb ramp does not need to be replaced until other road reconstruction/replacement maintenance was done.

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Mayor Knapp invited public input, there was none and he closed the hearing on Resolution No. 2537 at 9:02 p.m.

**Motion:** Councilor Lehan moved to approve Resolutions No. 2537. Councilor Fitzgerald seconded the motion.

**Vote:** Motion carried 4-0.

F. **Ordinance No. 769** – 1<sup>st</sup> reading  
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 3, City Property And Chapter 8, Environment To Add Updated Erosion Control Requirements.

Mr. Kohlhoff read the title of Ordinance No. 769 into the record on first reading. He noted the item had been carried over from the May 18<sup>th</sup> Council meeting so staff could provide clarifications to the language.

**Motion:** Councilor Starr moved to continue Ordinance No. 769 to July 6<sup>th</sup> for work session and hold the public hearing on the July 20<sup>th</sup> Council meeting. Councilor Lehan seconded the motion

**Vote:** Motion carried 4-0.

**CITY MANAGER'S BUSINESS**

Mr. Cosgrove advised Council he would be out of town Wednesday to Friday of next week.

**LEGAL BUSINESS** – There was no report.

**ADJOURN**

Mayor Knapp adjourned the meeting at 9:05 p.m.

Respectfully submitted,

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Sandra C. King, MMC, City Recorder

ATTEST:

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Tim Knapp, Mayor