

**CITY COUNCIL  
BUSINESS MEETING MINUTES  
March 6, 2012**

The Business Meeting of the Monroe City Council was held on March 6, 2012, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:05 p.m. (technical difficulties).

Councilpersons present: Goering, Cudaback, Williams, Kamp, Davis, Gamble, and Hanford.

Staff present: Brazel, Feilberg, Warthan, Quenzer, Sax, and Popelka.

City Attorney Zach Lell was also present.

Mayor Zimmerman introduced Boy Scouts from Troop 38, Sam Frieze, Cole Smith, and Wyatt Smith, who lead the Pledge of Allegiance.

**EXECUTIVE SESSION**

**Executive Session:** Potential Litigation

Mayor Zimmerman explained that there was a need to go into an executive session for approximately 25 minutes, for purposes of discussing potential and pending litigation with legal counsel, pursuant to RCW 42.30.110 1(i), as read into the record by City Attorney Lell. Council will take action in open session after they reconvene. Due to the size of the audience, Council departed Council Chambers for the executive session.

MEETING RECESSED INTO EXECUTIVE SESSION:	7:08 p.m.
EXECUTIVE SESSION EXTENDED	
MEETING RECONVENED INTO REGULAR SESSION:	8:22 p.m.
MEETING RECESSED FOR A FIVE-MINUTE BREAK:	8:22 p.m.
MEETING RECONVENED INTO REGULAR SESSION:	8:27 p.m.

The motion was made by Councilperson Goering and seconded by Councilperson Hanford to waive Council Rules of Procedure for a first and second reading and to add Ordinance #006/2012 and Resolution #2012/009 to the agenda.

Motion carried 6/1.

Councilperson Cudaback was opposed.

The motion was made by Councilperson Goering and seconded by Councilperson Hanford, to adopt Ordinance #006/2012 an ordinance of the City of Monroe, Washington, providing for an advisory vote on Ordinance Number #002/2007 and

Chapter 10.14 Monroe Municipal Code at the next general election; and providing for severability, as read into the record by City Attorney Lell.

The full ordinance was read into the record by City Attorney Lell.

The motion was on the floor to adopt ordinance #006/2012. On vote,

Motion carried 7/0.

The motion was made by Councilperson Goering and seconded by Councilperson Hanford, to adopt Resolution 2012/009, a resolution of the City Council of the City Of Monroe, Washington, declaring the City Council's intent to repeal Ordinance No. 006/2012 if the City prevails in its pending appeal of the Snohomish County Superior Court's final decision in cause no. 11-2-06796-1; expressly reserving the City's discretion; and establishing an immediate effective date, as read into the record by City Attorney Lell.

The full resolution was read into the record by City Attorney Lell.

After comments, the motion was on the floor to adopt Resolution #2012/009. On vote,

Motion carried 5/2.

Councilpersons Cudaback and Gamble were opposed.

#### **PUBLIC HEARING**

#### **Surplus Utility Equipment: A. Citizen Testimony; B. Resolution Declaring Utility Equipment Surplus**

Utilities Supervisor Jakeh Roberts gave a brief introduction.

Mayor Zimmerman opened the public hearing.

Joel Phillips, 55 Circle Drive, is in favor of surplus the vehicles and would like the proceeds to be used for snow plows for the fleet.

The motion was made by Councilperson Gamble and seconded by Councilperson Cudaback to close the public testimony portion of the public hearing. On vote,

Motion carried 7/0.

The motion was made by Councilperson Goering and seconded by Councilperson Cudaback to close the public hearing. On vote,

Motion carried 7/0.

The motion was made by Councilperson Goering and seconded by Councilperson Cudaback, to approve Resolution #2012/006, a resolution of the Monroe City Council declaring certain property as surplus and authorizing its disposition, as read into the record by Mayor Zimmerman. On vote,

Motion carried 7/0.

### **COMMENTS FROM CITIZENS**

Ty Valasio, Monroe, addressed Council in opposition to the traffic cameras.

Joel Phillips, Monroe, addressed Council regarding using video cameras for Council meetings.

### **CONSENT AGENDA**

Councilperson Gamble asked that Consent Agenda item #2A (Bills) be pulled from the Consent Agenda.

The motion was made by Councilperson Kamp and seconded by Councilperson Goering, to approve Consent Agenda items #3 and #4. On vote,

Motion carried 7/0.

Items approved: 1A) **NOTE:** Minutes were not available at this time; 3. Resolution Amending 2012 Fee Schedule; and 4) Resolution Establishing Parking Restrictions.

Councilperson Gamble recused himself from voting on Consent Agenda item #2, since there is a bill from his employer and departed Council Chambers.

Councilperson Hanford recused himself from voting on Consent Agenda item #2, since there is a bill from his employer, too, and departed Council Chambers.

It was noted that Councilperson Kamp would not have to recuse himself due to volunteering at the Senior Center, as it was concluded previously by the Ethics Board that such was not a violation of the Ethics Code.

The motion was made by Councilperson Kamp and seconded by Councilperson Davis, to approve Consent Agenda items #2A ) Bills (Checks #81900 – #81990 in the amount of \$481,825.21).. On vote,

Motion carried 5/0.

### **NEW BUSINESS**

#### **Review Policy Regarding Executive Session Materials**

This item was pulled and will be rescheduled for another meeting.

#### **Ordinance Amending Airport Compatibility Zone Notice Requirements/1st Reading**

The motion was made by Councilperson Williams and seconded Councilperson Kamp, to accept as first reading an ordinance of the City of Monroe, Washington updating Chapter

18 Planning and Zoning of the Monroe Municipal Code to create a more efficient and effective process for disclosure notices to property owners within the Airport Compatibility Zoning Overlay District, providing for severability and fixing a time when the same shall become effective, as read into the record by City Attorney Lell.

City Attorney Lell explained that there was no need for the Council members who live or work in the overlay zone to recuse themselves, as it is not an *Appearance of Fairness* issue. He explained other circumstances where it would apply.

The motion was on the floor to accept ordinance as first reading. On vote,

Motion carried 7/0.

**Introduction: Mixed Use Setbacks**

Planning & Permit Manager Popelka gave a brief overview.

After discussion, the motion was made by Councilperson Cudaback and seconded by Councilperson Gamble, to accept as first reading an ordinance of the City of Monroe, Washington updating Chapter 18 Planning and Zoning of the Monroe Municipal Code.

It was determined that the correct ordinance was not in the packet; therefore, the motion was withdrawn. This item will come back for the first reading next week.

**FINAL ACTION**

**Authorize the Mayor to Sign the Police Sergeants' Contract**

Chief Quenzer gave a brief introduction.

After discussion, the motion was made by Councilperson Kamp and seconded by Councilperson Cudaback, to authorize the Mayor to sign a 1-year contract extension with the Teamsters: Law Enforcement Sergeants. On vote,

Motion carried 7/0.

**Ordinance Amending the Code of Ethics/Add Complaint Hearing Options in Absence of Board of Ethics/1st & Final Reading**

City Administrator Brazel explained that this item was being pulled, due to the lack of a quorum in the Ethics Board and the inability to fill the vacant positions.

**COUNCILMEMBER REPORTS**

There were no reports from Council.

**MAYOR/ADMINISTRATIVE STAFF REPORTS**

Planning & Permit Manager Popelka reported on another company, which is a major employer, that is interested in Monroe. He will be able to give more information later.

Public Works Director Feilberg reported that the *Environmental Impact Statement* on East Monroe is available for viewing.

Human Resources Manager Warthan reported on the performance review process and that they are catching up on the past-due reviews.

Mayor Zimmerman reported on the 360 degree review he had received. He also reported on the great feedback he has been receiving from the business community on the City's permit process.

**Draft Agenda/March 13, 2012**

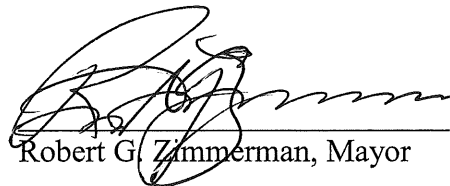
City Administrator Brazel presented the draft agenda for March 13, 2012. The mixed use setback ordinance was added to the agenda.

**ADJOURNMENT**

There being no further business, the motion was made by Councilperson Goering and seconded by Councilperson Hanford, to adjourn the meeting. On vote,

Motion carried 7/0.

MEETING ADJOURNED: 9:19 p.m.



Robert G. Zimmerman, Mayor



Ben Warthan, Human Resources Manager