

**CITY COUNCIL
BUSINESS MEETING MINUTES
February 1, 2011**

The Business Meeting of the Monroe City Council was held on February 1, 2011, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:01 p.m.

Councilpersons present: Balk, Stima, Rodriguez, Cudaback, Tuttle, and Goering.

Councilperson absent: Councilperson Williams.

Staff present: Brazel, Feilberg, Quenzer, Farrell, Smith, Nelson, Wright, and Martinson.

City Attorney Zach Lell was also present.

The meeting was opened with the Pledge of Allegiance.

Mayor Zimmerman asked for a moment of silence in memory and in honor of Corrections Officer Jayme Biendl for the sacrifice she made for a job she loved.

ANNOUNCEMENTS AND PRESENTATIONS

Confirm Mayor's Appointment/Parks Board Member/Steve Whalen

Mayor Zimmerman commented about the positive interview with candidate Steve Whalen and asked Council for their support in his appointment. City Administrator Brazel stated that he was very impressed with Mr. Whalen and his experience in the city. He feels that he will be an asset to the Park Board.

Councilperson Stima asked if he would need to recuse himself from the vote, since he knows Mr. Whalen. City Attorney Lell stated that, since this is purely an administrative matter, recusal would not be necessary.

The motion was made by Councilperson Rodriguez and seconded by Councilperson Balk to confirm the Mayor's appointment of Steve Whalen to the Parks Board. On vote,

Motion carried 6/0.

Proclamation/Janet Osborn Day

Mayor Zimmerman commented that our City is built on the relationships, connections, and commitment on a daily basis. Without those connection, interactions, and commitments, to our community, our community would fail. Through a proclamation, he wanted to recognize one individual who has committed and dedicated herself to citizens in Monroe and the Tualco Valley over the last 32 year. He read the Proclamation proclaiming February 5th as Janet Osborn Day and presented the framed proclamation to Ms. Osborn.

Allied Waste/High School Student Litter Collection

Janet Pritchard from Allied Waste Services introduced Tyson Horner, a teacher at Monroe High School, who explained the litter cleanup program run by students Tatum Hold and Lindsay Dye. After taking on this leadership role, they rallied other students to help them clean up trash after the school football and basketball games. They even began cleaning up the stands after the away games. Ms. Pritchard stated that they knew they had an environmental partner in Monroe High School and presented a plaque made of recycled glass by a local artist, naming the Monroe High school as one of their 2010 Environmental Partners. Allied Waste also supplied the team with trash bags, to help in their clean-up efforts.

COMMENTS FROM CITIZENS

Kerry Hutt, 694 West Columbia, Monroe, addressed Council regarding the farm animal ordinance that will be discussed later in the meeting. He asked Council to restrict roosters and turkeys and limiting hens and chicks and require that they be licensed and restrained. He stated that neighbor, Mike Flannery, who lives at 18007 157th, was also in attendance, in support of amending the animal ordinance. Lester Gustafson, another neighbor who is not able to come to meetings, is concerned about the flies. He and Mr. Flannery will return for the public hearing.

Mayor Zimmerman suggested that the neighbor with health issues write a letter to be read into the public record.

City Attorney Lell addressed the question of the referendum process and whether the city property that was sold could be subject to the referendum process. He explained that it can't be exercised in that context; it can only be used on legislative action. The sale of property is not subject to initiative or referendum, as Council is acting in an administrative or proprietary role.

Councilperson Balk questioned whether it could be submitted for an advisory vote.

Attorney Lell explained that any question could be submitted for an advisory ballot; but would be advisory only and Council would not be held to that vote. As he has some legal concerns, he would prefer to discuss this further in executive session.

Diane Elliott, 15550 174th Avenue SE, Monroe, addressed Council to say she doesn't have anything against Walmart, per se. She objects to the location and adding to the traffic issue. She asked Council to vote against the site plan.

Kurt Grosvenor, 14106 21st Drive SE, Mill Creek, owns the Emerald City Smoothie store and supports a Walmart on North Kelsey. The reason they took the space adjacent to the Walmart property, is because of the proposed mall. They signed the lease in 2007, in hopes of attracting customers. They need something to happen now and want the City to get something on that land.

Carl Griffith, 300 Powell Street, has had businesses in Monroe for a long time. He feels that the City shouldn't be a developer. The Walmart issue is priceless. Who's to say who should come in or not, or what size store it should be? He wants the City to move ahead with the project; it will add revenue.

Rosie Stankevich Tatel 14969174th Avenue SE, Monroe, is against Walmart. She is concerned that traffic will back up worse and emergency vehicles won't be able to get through the traffic.

Heidi Webster, 13015 Ingraham Road, is against Walmart, due to traffic and is also concerned that their low prices will drive other businesses out. She asked Council to vote no for the site plan.

Murray Bartholomew, 322 Sumac Drive, Monroe, is against Walmart and feels that people should be informed and be given a vote. The real estate market is in a hole and selling in a down market is a bad idea.

Jessie, 17602 SR 203, Monroe, is against Walmart and their labor practices. If Walmart comes in, there won't be any 30-year employees. She wants the City to build a family fun center for the kids.

Shannon Stowell, 205 N. Madison Street, is against Walmart and encouraged Council to re-visit the vision for the City and to try finding other options. He wants to know who have they or agents talked to, and wants to ensure that all the options have been looked into. Mayor Zimmerman will have City Administrator contact him.

Mayor Zimmerman read a letter into the record from Thomas DeDonato in support of Walmart. They bought the land and built "Kelsey Place" with the understanding that the development of North Kelsey Village would boost traffic and business. They feel that Walmart or any big box is critical to the health of the City and its businesses and will bring the needed customers and energy to the North Kelsey area.

Debbie Emge, 116 Union Ave. Snohomish, spoke in support of Interlocal Agreement (ILA) for the Tourism Promotion Area (TPA). The City of Snohomish will be impacted. She has a bigger vision for East County and encouraged Council to support the TPA.

Debbie Koppel 13722 Roesler Avenue, Sultan, spoke in support of the TPA, stating that the City of Monroe is the only city not supporting it so far. She listed organizations in support of the ILA, including Snohomish County, representatives, and legislators. Not supporting the TPA would be catastrophic. Hotels support it, and it's not an additional tax. If this funding source is lost, they could lose events housed out of Monroe. Please vote yes on the TPA.

Wendy Becker, Cultural and Economic Development Officer for Snohomish County, stated that the County is in the final stages of approving the five-year tourism plan. They have identified 26 strategies to move Snohomish County forward to harness tourism

potential. Six strategies pay attention to small town in Sky Valley, which is also important to their overall regional strategy. TPA funds will give the community another avenue from a greater resource. If the Council's concern is lack of representation for Monroe, she is willing to give up her seat on the Board to give Monroe representation.

Tammy Dunn, 13891 Beach Court, Sultan, works for the Snohomish County Tourism Bureau. She works with sports organizations to bring tournaments and sports to Snohomish County cities. Monroe has the facilities, and people will come to restaurants. She used to manage a restaurant and would have been very happy to have organizations bring events to our community, so they would eat in her restaurant and shop in Monroe. Please approve the TPA; it's important to help all retail, not just hotels. Help others see what we have to offer.

Kelcey Hendricks, General Manager of the Best Western Sky Valley Hotel, Monroe, asked Council to support the TPA. The agreement will influence business in Monroe, and any business owner should be in support, as well. There is no negative in this program. Please vote "yes" for the TPA.

Shawn Walker 18826 Crown Ridge Blvd., Arlington, the formation of the TPA and the funds that is would bring about are not taxing the community, it would raise funds and bring events to the community. The local festivals, events, and functions are the ones that could not get matching funds or assistance. They have worked with the County, to help them collect the funds, to have an entity to take care of administrative side. State funds are drying up and going away; so, they came together and decided that they would have to promote themselves. Monroe has the best chance to pull the funds in than any other City. Give them an opportunity to self-assess with no tax burden on the citizens, and they can show what they can reinvest in the community.

Tom Keoh, 1910 N. 35th Place, Mt. Vernon, is regional manager with Best Western headquarters. Looking at the TPA project, there has been an unbroken string of success everywhere it's been done. There has been an increase in the sales tax revenue. There is no cost to the City or citizens. The product is small town hospitality, bring people to town to spend money, then they go home, leaving some money behind. He encouraged Council support of the TPA.

Andy Tift, 17402 85th Avenue, Arlington, is General Manager of the Holiday Inn Express in Marysville. He encouraged Council to support the ILA for the TPA. Small towns are the primary benefactors in this. The outlying communities will be able to host events, since the larger cities are maxed out. They have done a lot of work to make it as fair and seamless as possible. They are not asking anything from cities or citizens; it's a self-assessed fee to give them the opportunity to turn the money back to our businesses.

Doug Bartells, 4226 S. 284th Street, Auburn WA, is General Manager of Holiday Inn in Everett. He has been involved with this project for four years and is a current board member of the Snohomish County Tourism Bureau, a member of the sports commission, and sits on the ELTAC Committee for Everett. Many man-hours have gone into this, and

it would be a shame to send this back to the drawing board after all that work. Monroe is the only city that hasn't agreed to this. He urged Council to reconsider and vote for the TPA.

Georgia Borgleon, 6316 156th Street SE, Snohomish, Manages the Marriott in Lynnwood, encouraged Council to approve assessment and ILA. Her guests don't have what we have in Monroe, and she does send them this way. They get the overflow from events in Monroe. As a member of the steering committee, Monroe has her support 100%; she is in there to support projects that will bring in tourism.

Mayor Zimmerman read into record an email in support of the TPA from Kim Probst, General Operations Manager for the Monroe Chamber of Commerce.

CONSENT AGENDA

Consent Agenda #6 (Authorize Increase of Consultant Contract for US-2/Chain Lake Road/N. Lewis Street Intersection Widening Project) was pulled.

The motion was made by Councilperson Stima and seconded by Councilperson Goering to approve the Consent Agenda items 1-5. On vote,

Motion carried 6/0.

After an explanation on Consent Agenda #6, the motion was made by Councilperson Stima and seconded by Councilperson Cudaback, to approve Consent Agenda item #6. On vote,

Motion carried 6.0.

Items approved: 1A) November 16, 2010 Business Meeting Minutes; 2) Bills (Vouchers #078647 – 078735, in the amount of \$840,757.82; 3) Authorize Mayor to Sign Interlocal Agreement/Cable Consortium/New Channel 21 Equipment; 4) Resolution Initiating Annexation AN2010-01 (Northeast Monroe); 5) Resolution Initiating Annexation AN2010-02 (Calhoun Road); 6) Authorize Increase of Consultant Contract for US-2/Chain Lake Road/N. Lewis Street Intersection Widening Project.

NEW BUSINESS

Farm Animal Discussion

City Administrator Brazel gave a brief introduction, explaining that a citizen had approached them about an issue with farm animals. After researching other cities' ordinances, he prepared some ordinance language for discussion. He recommended that Council direct staff to go forward with the ordinance.

After discussion, it was determined that City Attorney Lell would work with staff to bring back a revised ordinance.

City Administrator Responsibilities: A. Ordinance Amending Chapter 2.44 Related to City Administrator Responsibilities; B. Resolution Declaring the City's Organization Chart

Human Resources Manager Smith explained the past practice of the Police Department in reporting to Mayor. The proposed ordinance was changed to allow that practice at the Mayor's discretion. There was also a reference to an organizational chart, which they are bringing in by resolution, which will allow them to keep the organization chart updated and not have to go through the ordinance process. She further explained that there was also some miscellaneous housekeeping on various duties. Her recommendation was for two actions: approve the proposed ordinance and approve the proposed resolution.

The motion was made by Councilperson Goering and seconded by Councilperson Balk, to adopt as first and final reading Ordinance #005/2011 an ordinance of the City of Monroe, Washington, amending Monroe Municipal Code Chapter 2.44 and fixing a time when the same shall become effective, as read into the record by City Attorney Lell. On vote,

Motion carried 6/0.

The motion was made by Councilperson Balk, and seconded by Councilperson Goering, to adopt Resolution 2011/004 declaring the City's organizational chart. On vote,

Motion carried 6/0.

Ordinance Amending Term Limit and Residency Requirements for the Monroe Parks Board and Monroe Planning Commission

Associate Planner Wright gave a brief overview explaining that Council had asked them to look at term limits and residency requirements for the Planning Commission for the Park Board, as well. The key changes are to limit the terms to 4-year terms, limited to two full terms, or up to a maximum of 12 years length of service, if they come in early in the term to fill a vacancy.

The motion was made by Councilperson Goering and seconded by Councilperson Rodriguez, to adopt Ordinance #004/2011 an ordinance of the City of Monroe, Washington, amending term limit and residency requirements for the Monroe Parks Board and Monroe Planning Commission as defined in Chapters 2.16 and 2.32 of the Monroe Municipal Code; and fixing a time when the same shall become effective, as read into the record by City Attorney Lell.

After discussion the friendly amendment to insert the word "Park" in *Section 1* was made by Councilperson Rodriguez, and was accepted by the maker of the motion.

After further discussion, City Attorney Lell suggested that the amendment to the motion be to insert the word "Park" in front of "Board" in *Section 1* of the ordinance, and further reference of "the Board" by implication would mean the "Park Board". The suggestion was accepted by both the maker and the seconder of the motion.

After additional discussion, the motion was made by Councilperson Balk and seconded by Councilperson Cudaback to eliminate *Section 2*.

After Operations Director Feilberg read the original ordinance, Councilperson Balk stated he would like to keep the first and third sentences and withdrew his motion and Councilperson Cudaback withdrew her second.

The motion was made by Councilperson Balk and seconded by Councilperson Cudaback, to remove the second sentence in *Section 2*.

After further discussion, the motion was on the floor to remove the second sentence in *Section 2*. On vote,

Motion failed 2/4.

Councilpersons Tuttle, Rodriguez, Stima, and Goering were opposed.

After additional discussion about the 12-year limit on the Park Board and Planning Commission, City Attorney Lell suggested that the second sentence in *Section 2* be replaced with the following text: *No board member shall serve a total term of office exceeding 12 consecutive years and shall not thereafter be eligible for reappointment for the following two years.* Similar language would be used for the Planning Commission.

The friendly amendment was made by Councilperson Goering and seconded by Councilperson Stima, as read by City Attorney Lell.

City Attorney Lell stated that *Section 6* has to be changed, too after “Commission members” in second sentence— “Except as provided herein”.

The additional friendly amendment, as stated by City Attorney Lell, was accepted by Councilpersons Goering and Stima.

The motion was on the floor to adopt Ordinance 004/2011, including the friendly amendments suggesting changes to *Sections 2, 4, and 6*. On vote,

Motion carried 5/1.

Councilperson Cudaback was opposed.

FINAL ACTION

Authorize Mayor to Sign Interlocal Agreement with Snohomish County/Establish Tourism Promotion Area

Mayor Zimmerman noted that this item should read “possible action”, not “recommended action”. He isn’t recommending a TPA.

After Council comments, Mayor Zimmerman stated that, since there were only six Councilmembers present, there could be a tie vote; he could break tie.

After further discussion, the motion was made by Councilperson Balk and seconded by Councilperson Cudaback, to authorize the Mayor to sign the Interlocal Agreement authorizing establishment of the Snohomish County Tourism Promotion Area.

After questions from Council, Wendy Becker (with Snohomish County) explained about self-assessment. She also explained that the Tourism Bureau is a contractor of the County and was established from their strategic plan. Hotel money is collected and used for specific purposes. The TPA is a fund that uses dollars that aren't covered in hotel-motel tax funds. Certain events occur that they can't allocate dollars for from hotel-motel taxes. The TPA gives them the ability to fund some events.

Tammy Dunn explained that sports are unique, in that they don't need the marketing dollars as much as they need help with operations of facilities. Triple Crown Sports is using every facility they can find in Snohomish County. In a three-day tournament, there are five teams per day per field. Up to 90% of the teams come to the event, and then go home; however, they go to the local restaurants, grocery stores, and Starbucks. With local tournaments, they don't have to go to Arizona to qualify for a national tournament. They could use the TPA funds for turf fields, which isn't an allowable use for hotel-motel tax funds. The Wakeboard group has asked for funds; she has given them a list of people to contact to obtain sponsorship dollars. If they don't get it, they will go elsewhere.

The motion was made by Councilperson Balk and seconded by Councilperson Cudaback to extend the meeting past 10:00 p.m. On vote,

Motion carried 6/0.

After further discussion, the motion was made by Councilperson Goering and seconded by Councilperson Stima, to amend the motion to include conditional approval upon conveying to other cities a counter proposal to include a three-year opt out clause.

After discussion, the motion was on the floor to amend the original motion. On vote,

Motion failed 4/2.

Councilpersons Balk, Tuttle, Rodriguez, and Cudaback were opposed.

The motion was on floor to authorize mayor to sign the Interlocal Agreement establishing a Tourism Promotion Area. On vote,

Motion carried 5/1.

Councilperson Tuttle was opposed.

Authorize Reclassification from Finance Manager to Finance Director/Dianne Nelson

Human Resource Manager Smith explained that the information provided was a follow-up to the January 11th discussion.

The motion was made by Councilperson Stima and seconded by Councilperson Goering, to approve appointment of Dianne Nelson as Finance Director.

Mayor Zimmerman explained that the re-class of the employee would put her salary in the next range.

The motion was on the floor to approve the appointment. On vote,

Motion carried 6/0.

Council Direction Regarding Surplusing of Sykes Farm Property

Operations Director Feilberg explained that there are two processes needed before the resolution declaring property surplus. He recommended waiting until after the public hearing before determining any action. If, after the public hearing, Council decides to surplus, they could authorize an appraisal after that.

The motion was made by Councilperson Balk and seconded by Councilperson Rodriguez, to set March 1st for the public hearing. On vote,

Motion carried 6/0.

MAYOR/COUNCIL/ADMINISTRATIVE STAFF REPORTS

Councilperson Balk stated that they had held the first meeting of Council Finance Committee, and would like comments on their proposed agenda.

Mayor Zimmerman suggested that this be put on the Council agenda for discussion on February 8th.

Councilperson Stima expressed concern about the line of cars outside the prison waiting for visiting hours. Mayor Zimmerman will have staff look at it sometime in the next three months.

Chief Quenzer reported that they are involved in the investigation at the Department of Corrections (DOC). Detectives are working long hours. The Police Department ran out of people and the asked for four detectives from Snohomish County to help out. The prosecutor stated that this is the biggest case he has seen in 30 years. There are a lot of locked doors to go through to get to witnesses and they had to go through the Governor's office to get further authorization. They hope to wrap it up soon. He stated that the suspect has been moved out of the facility in Monroe.

Draft Agenda/February 8, 2011/Council Study Session

City Administrator Brazel reviewed the extended agenda spreadsheet and added the Council Finance and Human Resource Committee minutes and program of work to February 8th. The Public Hearing on the Sykes Farm was added to March 1st.

Mayor Zimmerman explained that there was a need to go into executive session for approximately 10 minutes for purposes of discussing potential litigation. City Attorney

Lell referenced RCW 42.30.110(1)(i) and stated that there would be no action following the executive session.

MEETING RECESSED INTO EXECUTIVE SESSION: 10:38 p.m.

EXECUTIVE SESSION WAS EXTENDED

MEETING RECONVENED INTO REGULAR SESSION: 11:15 p.m.

Councilperson Balk suggested having a public hearing on the red light camera issue on March 8, 2011. This will be discussed further at another Council meeting.

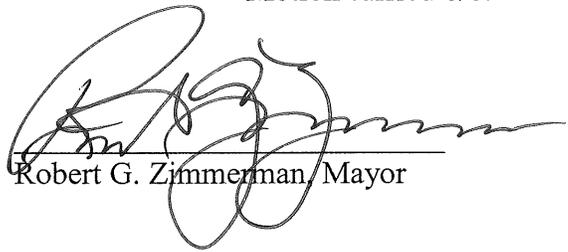
There being no further business, the motion was made by Councilperson Rodriguez and seconded by Councilperson Stima to adjourn the meeting. On vote,

Motion carried 6/0.

MEETING ADJOURNED: 11:16 p.m.



Eadye Martinson, Deputy City Clerk



Robert G. Zimmerman, Mayor