

**CITY COUNCIL
BUSINESS MEETING MINUTES
July 19, 2011**

The Business Meeting of the Monroe City Council was held on July 19, 2011, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:03 p.m.

Councilpersons present: Balk, Cudaback, Tuttle, Kamp, Williams, Stima, and Goering.

Staff present: Brazel, Feilberg, Quenzer, Harris, Smith, and Martinson.

City Attorney Zach Lell was also present.

The meeting was opened with the Pledge of Allegiance.

COMMENTS FROM CITIZENS

Brian Kohn, 9508 190th Ave. SE Snohomish, is the leader of Monroe Initiative #2 and announced they are seeking more signatures, with good response. They are half way to their goal on signature gathering, and are confident that they will get the required signatures.

Joel Phillips, 505 Circle Drive, asked if Council would be discussing the green river ordinance. City Attorney Lell explained that the ordinance had been repealed and discussion tonight would be about possible regulations, such as timing requirements and enforcement of private no trespassing signage. Mr. Phillips would like to add verbiage to signs to show that sales people aren't welcome.

CONSENT AGENDA

The motion was made by Councilperson Cudaback and seconded by Councilperson Williams, to approve the Consent Agenda. On vote,

Motion carried 7/0.

Items approved: 1A) April 26, 2011 Study Session Minutes; 1B) May 10, 2011 Study Session Minutes; 2) Bills (Vouchers #079966 – 080072) in the amount of \$611,006.64.

NEW BUSINESS

Ethics Code and Executive Session Confidentiality

City Administrator Brazel explained that, after discussion with Council, they had the City Attorney research the questions Council had asked about. City Attorney Lell explained that there was a concern about confidential information coming out of a complaint hearing on a breach of confidentiality. The Council Rules of Procedure and ethics complaint covers that, except that the hearing could be held in open session, if the defendant wished. He suggested that Council add language to the Ethics Code to state that a breach of confidentiality would go to only the hearing examiner, as he isn't subject to the Public Disclosure Act.

After discussion, it was determined that this matter would go before the Board of Ethics for suggestions for strengthening the language in the Ethics Code to ensure confidential information is not revealed through the hearing process.

Resolution Amending Fees

City Administrator Brazel explained that there are proposed updates to the Fees Schedule from the Police Department (late fee for pet licenses and a fine for failure to appear, respond, or pay *Notice of Infraction*) and from Finance (garbage fee increases).

After discussion, the motion was made by Councilperson Williams and seconded by Councilperson Goering, to adopt Resolution 2011/016 establishing fees, fines, penalties, interest, and charges for 2011.

After further questions from Council, the motion was on the floor to adopt Resolution #2011/016. On vote,

Motion carried 7/0.

Discussion Regarding Regulating Door-to-Door Solicitation

City Attorney Lell gave a brief summary explaining that Council had asked for legal research on whether the City could enforce time limit requirements on non-commercial charitable solicitation and enforce *No Trespassing* signs on charitable solicitors. He stated that his research indicated that both are enforceable. The courts seem to be more favorably disposed to a 9:00 pm time limit. Charitable solicitations can't be treated differently than commercial solicitations. He suggested a 9:00 pm or later time limitation, as earlier than 9:00 pm is hard to defend in court.

After discussion, it was determined that this matter would be brought back for final action at a later date.

FINAL ACTION

Resolution Amending Council Rules of Procedure

City Administrator Brazel gave a brief summary of the changes made to the Council Rules of Procedure document.

After discussion and comments, it was determined that this item would come back to Council for further discussion and action.

Resolution Authorizing an Advisory Ballot Vote to Determine Whether Citizens Desire Term Limits for Elected Officials

City Administrator Brazel gave a brief overview, explaining that staff worked with the city attorney to prepare a resolution for Council's consideration this evening.

The motion was made by Councilperson Goering and seconded by Councilperson Cudaback to approve Resolution #2011/018, with the following language deleted in the

first "Whereas" clause, as quoted by Mayor Zimmerman, "...in order to encourage more Monroe citizens to seek local elective office and to ensure that the City's elected officials have an appropriate diversity of perspectives".

After further discussion, the motion was on the floor to adopt a resolution of the City Council of the City of Monroe, Washington, providing for the submission of a nonbinding advisory ballot proposition to the qualified electors of the City at the November 8, 2011 election regarding the establishment of term limits for local elected officials, as read into the record by City Attorney Lell. On vote,

Motion carried 7/0.

**Resolutions Regarding the City's Automated Traffic Safety Camera Program:
A. Resolution Providing for Submission of a Nonbinding Advisory Ballot Proposition Regarding the Continuation of the City's Automated Traffic Safety Camera Program; B. Resolution declaring the City Council's intent to call for a Nonbinding Advisory Vote Prior to Installing any additional cameras under the City's Automated Traffic Safety Camera Program**

City Administrator Brazel gave a brief introduction explaining that, after Council discussion and suggestions, he had worked with City Attorney Lell on the resolution submitted for final action.

The motion was made by Councilperson Williams and seconded by Councilperson Goering to adopt Resolution #2011/019 a resolution of the City Council of the City of Monroe, Washington, providing for the submission of a nonbinding advisory ballot proposition to the qualified electors of the City at the November 8, 2011 election regarding the continuation of the City's automated traffic safety camera program, as read into the record by City Attorney Lell.

City Attorney Lell requested a friendly amendment that the current blank reference before the year "2013" should be filled in with "September" and that the Mayor and the City Clerk be authorized to make additional minor modifications for syntax before sending to the County Auditor.

The friendly amendment was accepted by the maker and seconder of the motion. On vote,

Motion carried 7/0.

The motion was made by Councilperson Goering and seconded by Councilperson Williams, to approve Resolution 2011/020, a resolution of the City Council of the City of Monroe, Washington, declaring the City Council's intent to call for a nonbinding advisory vote prior to installing any additional cameras under the City's Automated Traffic Safety Camera Program, as read into the record by City Attorney Lell.

After discussion as to whether or not the fourth camera scheduled for installation at Chain Lake Road and Highway 2 could be included in the resolution, the motion was withdrawn.

It was determined that City Attorney Lell would research the City's legal obligation in the contract regarding the fourth camera installation.

This item will be brought back for further discussion and consideration at the next Council meeting.

MAYOR/COUNCIL/ADMINISTRATIVE STAFF REPORTS

Councilperson Stima reported on the proposed changes to the Community Transit (CT) bus schedules, explaining that CT didn't want to raise rates again, after raising them last year. He reported that CT's revenue is down, as they are dependent on sales tax for the majority of their revenue.

Draft Agenda/July 26, 2011 Study Session

Mayor Zimmerman explained that he will be leaving town the next day and he may not be back for the meeting on July 26th. In his absence, documents needing his signature should go to Mayor Pro-Tem Goering.

City Administrator Brazel presented the draft agenda for July 26, 2011. A presentation for a Monroe Wakeboard Park was added to the agenda. Resolution 2011/020 was also added.

Mayor Zimmerman commented about the upcoming wakeboard park presentation and the great possibilities for Lake Tye Park. Lake Tye was considered one of the best venues that the wakeboarders had seen.

After a suggestion by Councilperson Tuttle to look at the sign code and enforcement of sign code, due to a lot of temporary signs on Main Street, City Administrator Brazel suggested that the discussion should wait for the planning and permitting manager to be on board.

A discussion about the newspaper of record was added to August 9th and the Library tour was removed.

Public Works Director Feilberg suggested that, since they were coming up to docketing for Planning Commission's Program of Work, the sign code topic should go to them first.

The motion was made by Councilperson Goering and seconded by Councilperson Stima, to extend the meeting past 10:00 pm. On vote,

Motion carried 7/0.

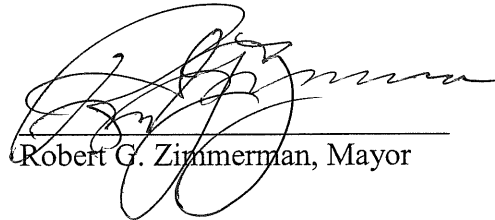
Mayor Zimmerman stated that there was a need for two executive sessions; one for potential litigation and the other for sale of property. City Attorney Lell explained that the purpose of the executive session was for discussing potential litigation with legal counsel pursuant to RCW 42.30.110(1)(i), and to consider the minimum price for which property would be leased or sold pursuant to RCW 42.30.110 1C. The executive session is expected to last for approximately 10 minutes, unless extended by Council. No action in open session is anticipated when Council reconvenes, except to adjourn the meeting.

MEETING RECESSED INTO EXECUTIVE SESSION: 9:55 p.m.
MEETING RECONVENED INTO REGULAR SESSION: 10:22 p.m.

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

Motion carried 7/0.

MEETING ADJOURNED: 10:23 p.m.



Robert G. Zimmerman, Mayor



Eadye Martinson, Deputy City Clerk