

**CITY COUNCIL
BUSINESS MEETING MINUTES
July 2, 2013**

The Business Meeting of the Monroe City Council was held on July 2, 2013, in the Council Chambers at City Hall. Mayor Zimmerman called the meeting to order at 7:02 p.m.

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

Staff present: Brazel, Feilberg, Roberts, Warthan, Nelson, Farrell, Quenzer, Ginnard, Sax, Popelka, and Martinson.

City Attorney Zach Lell was also present.

The meeting was opened with the Pledge of Allegiance.

ANNOUNCEMENTS & PRESENTATIONS

1. Proclamation: July is Parks & Recreation Month

Mayor Zimmerman read the proclamation announcing July as Parks and Recreation Month. He thanked Parks & Recreation Director, Mike Farrell, and the parks team for the great work they have been doing during the events at the parks in Monroe.

EXECUTIVE SESSION

1. Pertaining to Potential Litigation

Mayor Zimmerman explained that there was a need to go into an executive session for the purpose of discussing potential litigation with legal counsel pursuant to RCW 42.30.110 1(i), as stated for the record by City Attorney Lell. The executive session will last approximately five minutes, after which Council will take action in open session when they reconvene.

MEETING RECESSED INTO EXECUTIVE SESSION: 7:08 p.m.
MEETING RECONVENED INTO REGULAR SESSION: 7:14 p.m.

PUBLIC HEARINGS

1. Remand Hearing/Walmart/ Bench Seating and Lighting

Public Works Director Feilberg gave a brief overview explaining the purpose of the remand hearing was to accept public testimony regarding seating and lighting. He explained the standards set for seating and lighting in the North Kelsey Guidelines.

City Attorney Lell explained the appearance of fairness doctrine, which would be in effect for this hearing. He asked a series of questions, including whether or not any Councilmembers had any bias towards any parties involved or any financial, personal, or familial connections to the property in question. All councilmembers

responded to all questions in the negative. No audience members or parties of record wished to challenge any Councilmembers.

Mayor Zimmerman opened the public hearing.

Jeff Chambers, PacLand, project engineer, 1505 Westlake Ave. North, Suite 305, Seattle, 98109, noted the June 14th letter they sent on behalf of Walmart. He showed the bench seating and lighting they are proposing. He explained the changes that they had made on the site plan they had updated on June 24th.

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 Gamble and seconded by Councilperson Cudaback, to close the public hearing. On vote,
Motion carried 7/0.

The motion was made by Councilperson Hanford and seconded by Councilperson Goering, to add an action item to the agenda to make a motion to approve an amendment to Resolution No. 2011/009 approving the development agreement with North Kelsey LLC, pursuant to the RCW code, On vote,
Motion carried 7/0.

The motion was made by Councilperson Hanford and seconded by Councilperson Cudaback, to approve an amendment to Resolution No. 2011/009, approving the Development Agreement with North Kelsey LLC Pursuant to RCW 36.70B.170 – 200, to expressly address and ensure the project’s full compliance with the lighting and seating standards under the North Kelsey Design Guidelines. Staff will prepare a proposed resolution to this effect for the City Council’s consideration.

City Attorney Lell explained that a resolution had been prepared for Council’s approval. However, a reference to “rebuttal presentations” needs to be removed, as there was no citizen testimony to rebut. He suggested that Council should approve the resolution, if that is their preference. Staff will come back with a revised resolution for signatures.

Councilperson Gamble made the suggested friendly amendment, which was accepted by the motion maker and seconder. On vote,
Motion carried 7/0.

COMMENTS FROM CITIZENS

Andy Renaghan, 229 S. Blakeley Street, Monroe, addressed Council regarding the proposed alley closure. He had understood that the alley has already been closed for

many years, and he has been maintaining it at his own expense. He expressed concerns about the safety of the alley if it were to be opened to traffic.

Carl Hoffman, 17111 35th Ave SE, Bothell, 98012, stated that he owns the Moderono Apartments and had made the request to close alley. There is traffic all hours of the night. He didn't intend the other part of the alley to be opened to traffic. It wouldn't be good to run traffic through there. He suggested that Council make it a dead end street.

CONSENT AGENDA

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

- 1. Minutes**
 - A. June 11, 2013 Study Session**
 - B. June 18, 2013 Business Meeting**
- 2. ~~Accounts Payable & Payroll~~**
 - A. ~~Bills~~**
- 3. ~~Ordinance Amending Chapter 8.04 MMC/Animal Code/2nd & Final Reading~~
Moved to 7/16/13**
- 4. Accept Grant for School Zone Flashing Beacon**
- 5. Authorize Mayor to Sign Agreement with Department of Corrections for Offender Work Crew Projects**

The motion was made by Councilperson Hanford and seconded by Councilperson Kamp, to approve the Consent Agenda minus Item #2. On vote,

Motion carried 7/0.

Mayor Zimmerman and Councilperson Gamble recused themselves from voting on Consent Agenda item #2A, as there are bills from their respective employers; they departed Council Chambers at 7:36 p.m.

Mayor Pro-tempore Williams took over for the motion and vote on Item #2.

ITEM(S) PULLED FROM THE CONSENT AGENDA:

- 2. Accounts Payable & Payroll**
 - A. Bills: Checks #83860 – 83896, in the amount of \$280,444.76**

The motion was made by Councilperson Kamp and seconded by Councilperson Hanford, to approve Consent Agenda item #2. On vote,

Motion carried 6/0.

Mayor Zimmerman and Councilperson Gamble returned to Council Chambers at 7:37 p.m.

NEW BUSINESS

1. Ordinance Amending 2013 Budget/1st Reading

Finance Director Nelson gave a brief overview explaining the various amendments to the 2013 Budget. Some items have already been approved Council and are now being incorporated into the budget.

After comments, the motion was made by Councilperson Hanford and seconded by Councilperson Goering, to approve first reading of an Ordinance of the City of Monroe, Washington, amending the Budget for Fiscal Year 2013 to account for actual beginning fund balances and new revenues and expenditures. On vote,

Motion carried 7/0.

2. Sky Meadow Water:

Public Works Director Feilberg gave a brief opening statement, explaining the essence of the agreement with Sky Meadow Water.

A. Executive Session: Pertaining to Pricing of Property

Mayor Zimmerman explained that there was a need to go into an executive session for the purpose of discussing potential litigation or legal risk with legal counsel pursuant to RCW 42.30.110 1(i), as stated for the record by City Attorney Lell. The executive session will last approximately 5 minutes, after which Council is anticipated to take action in open session when they reconvene.

MEETING RECESSED INTO EXECUTIVE SESSION: 7:46 p.m.
EXECUTIVE SESSION WAS EXTENDED
MEETING RECONVENED INTO REGULAR SESSION: 8:11 p.m.

B. Review Purchase and Sale Agreement

Council consensus was to move forward and staff would bring additional information back to Council. The Sky Meadow Board and members would also need to approve the Agreement. Staff will bring the Agreement back for approval when finalized.

3. Discussion: Closure of Alley 224 South Lewis

Public Works Director Feilberg gave a brief overview explaining the suggested options for the proposed alley closure. Staff is concerned about cars having to back up 310 feet, if drivers turn into the alley by mistake. They also will need legal research on the process to close the alley off.

After discussion, it was determined that the legal process needs to be reviewed for easement issues and how to vacate the alley(s). Staff will bring back a new map with the suggested closures.

COUNCILMEMBER REPORTS

Councilperson Goering reported on seeing several new businesses in town. He is also impressed with the parks schedule and events coming up.

Councilperson Gamble reported on the HR/Finance Council committee meeting and noted that they will meet again on July 10th.

Mayor Zimmerman noted that the Herald had reported on the Bearcat football team that will be representing the Seahawks in a "7 on 7" tournament in Ohio. They were undefeated in the district and regional tournaments, which were sponsored by the Seahawks and the National Guard.

Councilperson Gamble commented on the great coaching for the Bearcat team.

MAYOR/ADMINISTRATIVE STAFF REPORTS

Economic Development Manager Sax reported that H30, now known as "Propulsion Cablepark", would like to amend the rent commencement date in their contract, due to the delay with the Corp of Engineers. He would come back with an agreement, if Council wishes.

Mayor Zimmerman explained that the delay is related to one state agency and one federal agency. Council consensus was to have an amendment presented.

City Attorney Lell reported that the Court of Appeals approved payment of attorney fees in the amount of \$21,800 to be paid by Friends of North Kelsey.

1. Draft Agenda/July 9, 2013 Study Session

City Administrator Brazel presented the draft agenda for July 9, 2013. It was agreed to move the agenda items to July 16th and cancel the Council meeting on July 9th.

Due to the cancellation of the July 9th Council meeting, the HR/Finance Council Committee meeting will be moved to July 9th.

It was agreed that the August 6th Council meeting would be cancelled, due to the *Night Out Against Crime* event.

EXECUTIVE SESSION

2. Executive Session: Pertaining to Pricing of Property

3. Executive Session: Pertaining to Potential Litigation

Mayor Zimmerman explained that there was a need to go into two executive sessions for approximately 30 minutes, to discuss pricing of property, as authorized by RCW 42.30.110 1(c), and for the purpose of discussing potential litigation with legal counsel pursuant to RCW 42.30.110 1(i), as read into the record by City Attorney Lell. Council may take action in open session.

MEETING RECESSED INTO EXECUTIVE SESSION: 8:52 p.m.
EXECUTIVE SESSION WAS EXTENDED
MEETING RECONVENED INTO REGULAR SESSION: 10:05 p.m.

There was no Council action after the executive session.

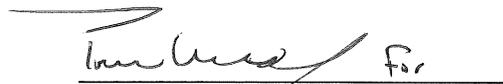
ADJOURNMENT

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

Motion carried 7/0.

MEETING ADJOURNED: 10:05 p.m.


Eadye Martinson, Deputy City Clerk


Robert G. Zimmerman, Mayor