



CITY COUNCIL

Regular Meeting
September 5, 2006
Tuesday, 7:00 P.M.

CALL TO ORDER: Mayor Asay called the regularly scheduled meeting to order at 7:04 P.M. and led the Pledge of Allegiance.

ROLL CALL Present were Councilmember's Beaudry, Drotz, Heddlesten, Neal, Sirack and Whalen. Councilmember Borek was absent.

STAFF PRESENT: Interim City Administrator Carter, Finance Director Pierce and Deputy City Clerk Daker.

PROCLAMATION: Youth Voting Awareness Week

ADDITIONS/DELETIONS: Mayor Asay added agenda item #7C, the Surplus Property Disposal – Skyline Group Agreement.

CONSENT AGENDA:

- (A) Minutes
August 7, 2006 Regular Meeting
- (B) Payroll
- (C) Checks/Vouchers
- (D) Set Public Hearing for October 2, 2006: CIP
- (E) Set Public Hearing for October 2, 2006: Olofsson Estates Final Plat

Councilmember Whalen requested to remove item E from the Consent Agenda.

Councilmember Whalen moved to approve the amended Consent Agenda. Councilmember Beaudry seconded. Motion carried 6-0.

Councilmember Whalen spoke to removing Consent Agenda Item E. He just wanted to make sure that the two newest councilmembers were brought up to speed on this item before further discussion. Mayor Asay said that this item was just to set the Public Hearing and assured councilmembers that they would be copied with the conditions and any additional materials.

Councilmember Whalen moved that a Public Hearing be set for approval of the Olofsson Estates Final Plat on October 2, 2006. Councilmember Heddlesten seconded. Motion carried 6-0.

MAIN AGENDA:

AB06-088A Public Hearing: Street Vacation, Ordinance 16xx-06:

Several years ago, property owners along the northern end of platted 27th Avenue began a discussion with the City about vacating the portion of that street that abutted their property. Due to some confusion about the actual status of the platted street, no action was taken on their request. Since then, it has been determined that the area in question is in fact platted street right-of-way. The City then initiated the necessary proceedings to hold a Public Hearing at this meeting to receive citizen comment about the possible vacation of the northern portion of 27th Avenue.

Mayor Asay opened the Public Hearing at 7:14 P.M.

Jeff Hamel, 77 28th Ave., after receiving new information on access issues, he requested to withdraw. City Administrator Carter, in efforts to clarify, asked Mr. Hamel if he meant that he wanted to entire procedure to be stopped. Mr. Hamel replied, "yes".

Neil Wiener, 807 25th Ave. Ct., he shared that he owns two of the lots and has sold the corner lot on 27th and Douglas. He stated that no public notice was ever given to him, or the other effected property owners, saying that 27th had been vacated. Years ago, the City of Milton told him that it would never be vacated.

Jeremy Nichols, 95 28th Ave., stated that the right-of-way was never dedicated.

Jacquelyn Whalen, 1605 13th Ave., commented that further research be done so this issue wouldn't happen in the future.

Mayor Asay closed the Public Hearing at 7:18 and the meeting was turned over to City Administrator Carter for clarification of the process. He stated that the public expressed no action be taken.

Mayor Asay asked what the council's wishes were.

Councilmember Whalen asked a couple questions. He asked if the City missed sufficient notification to the citizens? City Administrator Carter stated that the notice was published in accordance with state law. There is no legal requirement, according to the City Attorney, that notification be sent to surrounding property owners. Councilmember Whalen would like to see the ordinance changed to say that the citizens are given sufficient notice.

Councilmember Heddlesten commented that the City Attorney informed council that property owners within 500 ft. need to be notified.

City Administrator Carter said that rezones, platting and similar issues need a 300 ft. notification to citizens.

Councilmember Whalen wanted clarity from the City Attorney. City Administrator Carter shared that he had researched the issue all week and turned to Director Neal for help. To the best of her knowledge, Director Neal said that the actual street, in its current configuration, was dedicated in 1977.

Mayor Asay asked if there was further action that the council wished to take on this issue.

Councilmember Whalen moved to take no action. Councilmember Heddlesten seconded.

Jeremy Nichols, 95 28th Ave., invited anyone who was interested to take a look at the original plat map that he brought with him.

Hearing no further discussion, Mayor Asay called for a vote. Motion carried 6-0.

AB06-089A Request for Proposals for Banking Services & Lockbox Services:

Director Pierce informed council that staff is happy with the proposals received. The companies that responded to the RFP were: Columbia Bank, Frontier Bank, Key Bank and Retail Lockbox. Due to the overwhelming response, the review of the proposals has been extended. Once the review process is completed, the service will be brought back for council approval.

AB06-001C Surplus Property Disposal:

City Administrator Carter informed the council that the City received the Skyline Group Agreement the morning of the meeting and apologized for getting it to them so late.

Councilmember Whalen recommended that staff return this agreement to council in a couple weeks, along with the list of surplus items. He also suggested that council conduct a garage sale in November.

Council discussed the issue of having a sale/auction as apposed to having a company come and take all of the surplus items.

Councilmember Beaudry suggested that this item be brought back to the next study session.

COUNCIL REPORTS:

Councilmember Whalen: reminded council and citizens to be aware of the school zone lights schedule. He appreciated receiving the growth projections. He mentioned nuisance ordinances – he studied the parking ordinance and is confused by its wording and its application to the City's streets. He also requested an Interurban Trail update and progress of construction. He'd like to see an update of the stormwater pond on 27th. From the Water Dept., he requested the water usage, or flow rate, from the date that the City was informed of the mandatory water restriction.

Councilmember Heddlesten: attended the Economic Development Board meeting and was made aware of some things: some of the businesses seem to be having problems getting permitting through in a timely manner. There was discussion of a possibility of a

new service station going in at Safeway. He commented on the water situation – if the City can't supply water to the existing citizens, we should limit development/growth.

Councilmember Sirack: would appreciate council materials being handed out in advance. She asked when the nuisance ordinances would be coming back to council and was informed by City Administrator Carter that they will be brought back at the Study Session on September 11th and the City Attorney will be present for questions.

Councilmember Neal: In regards to the surplus items – the items on the list could very well be used for the youth in our community. He would like the council to consider financial help for the youth in our City under the Criminal Justice Fund.

Councilmember Beaudry: received an email from a gentleman that uses the Skate Board Park saying that he appreciated the help that the Police and Fire Department provided to the young man who broke his leg. To show his appreciation, he is having a BBQ on Saturday, September 16th from noon to 1:00 P.M. at the Skate Board Park and would like to invite everyone to stop by.

Councilmember Drotz: commented on the water situation – believes we should have mandatory water restrictions, by ordinance, year round. She also shared that Mark Beaudry did a great job in the Mayor's absence.

MAYOR'S REPORT:

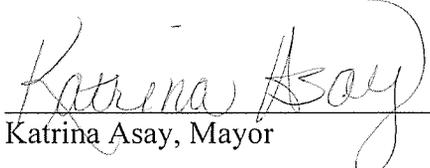
- Successful trip to Ireland, look for the performance on PBS
- Thanked all the volunteers that helped with the parade and picnic

ADJOURNMENT:

Mayor Asay recessed the meeting at 8:00 P.M. for an executive session for approximately 20 minutes to discuss pending litigation. Mayor Asay reconvened the meeting at 8:20 P.M. No action was taken.

Councilmember Beaudry moved to adjourn. Councilmember Drotz seconded. Motion carried 6-0.

The meeting was adjourned at 8:20 P.M.


Katrina Asay, Mayor

ATTEST:


Katie Daker, Deputy City Clerk