



CITY COUNCIL MINUTES

Special Meeting Tuesday – September 7, 2010 6:30 p.m.

Mayor Asay called the Special Meeting to order at 6:30 p.m.

Mayor Asay recessed the meeting at 6:31 p.m. and reconvened to Executive Session at 6:31 p.m. for Real Estate Discussion per RCW 42.30.110(1)(b); Labor Negotiations per RCW 42.30.140; and Potential Litigation per RCW 42.30.110(1)(i).

COUNCILMEMBER SANDERSON MOVED to adjourn the special meeting at 7:02 p.m.
Seconded by Councilmember Perry.

The motion was voted on and carried 5-0.

The special meeting was adjourned at 7:02 p.m.

Regular Meeting Tuesday – September 7, 2010 7:00 p.m.

CALL TO ORDER

Mayor Asay called the regularly-scheduled meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

ROLL CALL

Council Members present were Ott, Perry, Sanderson, Taylor, and Whalen.
Council Members absent were Heddlesten and Morton. (excused at a prior meeting.)

STAFF PRESENT

City Administrator Mukerjee, Police Chief Rhoads, Public Works Director Neal, Fire Chief Jaques, Finance Director Pierce, and Deputy City Clerk Stevenson-Ness were present.

ADDITIONS / DELETIONS

Mayor Asay added a settlement agreement regarding property associated with the Milton Way Project.

Mayor Asay removed Item 8C regarding unclaimed property from the agenda.

- A. Adoption of a settlement agreement regarding property associated with the Milton Way Project.

City Attorney Bio Parks provided information on the proposed settlement agreement.

COUNCILMEMBER PERRY MOVED to authorize the city attorney to settle the legal action for condemnation against WRP Meridian and WRP Surprise Lake as set forth in the draft settlement agreement before the Council. Seconded by Councilmember Ott.

The motion was voted on and carried 5-0.

RECOGNITION:

Police Chief Rhoads recognized Reserve Officer Paul Johnson for achieving his Level 3 Certification.

PROCLAMATION:

Mayor Asay proclaimed the week of September 12-18, 2010, as King County Quits! Tobacco Free Teens Back to School Week and urged the citizens of Milton to join her in its observance

CITIZEN PARTICIPATION

Speaking before the Council:

Speaker	Address	Topic
Milton Loflin	1810 11 th Avenue	Levy Lid Lift
Jacquelyn Whalen	1605 13 th Avenue	RE: Pierce County Flood Control District

CONSENT AGENDA

Approval of:

- Minutes from August 9, 2010, study session and August 16, 2010, regular meeting;
- August 20, 2010, payroll direct deposits, checks, and benefits in the amount of \$146,823.63;
- Checks/vouchers, check numbers 19977-19999 and 50000-50081 in the amount of \$547,239.93.

Councilmember Ott requested the claims and vouchers be pulled from the agenda. Mayor Asay added the checks and vouchers to the end of the regular agenda.

COUNCILMEMBER WHALEN MOVED to approve the Consent Agenda as amended. Seconded by Mayor Pro Tem Taylor.

The motion was voted on and carried 5-0.

REGULAR AGENDA

A. AB10-082: Adoption of Ordinance 1760-10 amending the Milton Municipal Code to include regulations regarding homeless encampments.

COUNCILMEMBER WHALEN MOVED to take the item from the table. Seconded by Councilmember Sanderson.

The motion was voted on and carried 5-0.

Council then addressed the motion made by Councilmember Whalen, seconded by Morton, on July 6, 2010, to sunset the Ordinance after 90 days.

COUNCILMEMBER WHALEN MOVED to amend the Ordinance to sunset after 90 days unless the city attorney can answer questions regarding constitutionality. Seconded by Councilmember Morton.

Motion was voted on and failed 0-5.

COUNCILMEMBER SANDERSON MOVED to amend the ordinance to provide consistency regarding the Planning personnel. Seconded by Councilmember Perry.

The motion was voted on and carried 5-0.

Speaking before the Council:

Speaker	Address	Topic
Jacquelyn Whalen	1605 13 th Avenue	Has Ordinance been corrected to reflect atty info?

Council then addressed the motion made by Councilmember Ott, seconded by Councilmember Perry, on July 6, 2010, to adopt Ordinance 1760-10.

COUNCILMEMBER OTT MOVED to adopt Ordinance 1760-10 creating Milton Municipal Code section 17.56.060 Homeless Encampments, to regulate the placement and impacts of temporary homeless encampments within the city limits of Milton. Seconded by Councilmember Perry.

The motion was voted on and carried 5-0.

B. AB10-083: Discussion of Ordinance 17XX-10 amending the Milton Municipal Code regarding home occupations.

COUNCILMEMBER SANDERSON MOVED to modify section 17.44.090(G)(2)(a) to not employ any outside employees. Seconded by Councilmember Whalen.

The motion was voted on and failed 2-3. (Sanderson, Whalen)

COUNCILMEMBER PERRY MOVED to add the city attorney's verbiage to Section 17.44.090(E)(1)(k). Second by Mayor Pro Tem Taylor.

The motion was voted on and carried 5-0.

COUNCILMEMBER PERRY MOVED to include the verbiage of an exemption to section 17.44.090(G)(1)(g) the outdoor storage requirement for the growing or storage of plants if that is the purpose of the home occupation's business. Seconded by Councilmember Sanderson.

Councilmember Sanderson withdrew his second to the motion.

Councilmember Ott seconded the motion.

Motion was voted on and carried 4-1. (Whalen)

COUNCILMEMBER SANDERSON MOVED to change section 17.44.0909(G)(2)(c) to allow the expansion of parking. Motion died from a lack of second.

COUNCILMEMBER WHALEN MOVED to incorporate the current code language related to odor, noise and vibration into the proposed ordinance. Seconded by Councilmember Perry.

The motion was voted on and carried 5-0.

COUNCILMEMBER OTT MOVED to add the current code language regarding waste removal to the proposed ordinance. Seconded by Councilmember Perry.

The motion was voted on and carried 5-0.

COUNCILMEMBER SANDERSON MOVED to eliminate the list from Section 17.44.090(E) to rely on regulations from Home Occupations to regulate the businesses. Seconded by Councilmember Whalen.

The motion was voted on and failed 1-4. (Ott, Perry, Taylor, and Whalen)

COUNCILMEMBER PERRY MOVED to add the phrase "if a person regularly sees clients or customers at their home they need a Home Occupancy permit. Seconded by Mayor Pro Tem Taylor.

The motion was voted on and carried 3-2. (Ott, Sanderson)

After discussion, the Council directed that the Ordinance be brought before Council at the meeting on September 20, 2010, for consideration.

Mayor Asay removed this item at the beginning of the meeting:

C. AB10-084: Adoption of Resolution 10-17XX regarding unclaimed property and outstanding checks.

D. AB10-085: Authorizing the Public Works Director to sign the proposed Water Utility Standard Service Agreement.

COUNCILMEMBER WHALEN MOVED to authorize the Public Works Director to sign the proposed Standard Service Agreement establishing water utility Service Area Boundaries, as prepared and requested by Pierce County. Seconded by Councilmember Ott.

The motion was voted on and carried 5-0.

E. AB10-086: Proposed Pierce County Flood Control District – update and Joint Legal Representation.

Director Neal provided an update on the proposed Pierce County Flood Control District.

COUNCILMEMBER PERRY MOVED to authorize the Mayor to execute any agreements to move forward with a joint legal representation and cost sharing for the Boundary Review Board hearing on October 12, 2010. Seconded by Councilmember Whalen.

The motion was voted on and carried 5-0.

Checks/Vouchers

COUNCILMEMBER OTT MOVED to approve the checks/vouchers. Seconded by Councilmember Perry.

Finance Director Pierce provided information and clarification on questions regarding vouchers.

After discussion, the motion was voted on and carried 5-0.

CITY ADMINISTRATOR REPORT

Mr. Mukerjee advised Council of the following

- Since the passage of the Fire levy, the City is working on a draft agreement with East Pierce. The framework of the agreement will be brought to Council on September 13, 2010.
- The Jovita Realignment project is currently on hold for Edgewood to work on property acquisition issues.

COUNCIL REPORTS

Councilmember Sanderson reported on:

- WCIA training September 30th for insurance pool risk solvency
- Discussed a provision for cities to assess state highways for stormwater fees and inquired if the City assessed the state.
- Inquired if BPA rates are spread through all customers or charged only heavy users.

Councilmember Ott reported on:

- -Recognized Chief Rhoads for work at Parade and Picnic
- Pleased that Fire levy passed.

Councilmember Taylor reported on:

- Enjoyed Parade and Picnic and thanked all who were involved.

Councilmember Perry reported on:

- Thanked everyone for their well-wishes while she was recuperating.

Councilmember Whalen reported on:

- Stated he agreed with the rate policy discussed by Councilmember Sanderson.

MAYOR'S REPORT

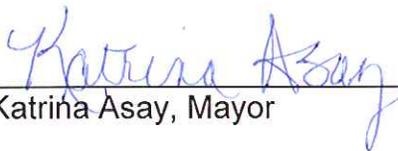
Mayor Asay discussed the following:

- Enjoyed reprieve in August and welcomed everyone back.
- Provided an update on the Pierce County Cities and Towns meeting regarding the flood control district
- Announced a Special Meeting regarding the budget on Monday, September 27, 2010, at 5:30 p.m.
- Advised Council of a Suburban Cities Association dinner in two weeks to discuss transit in King County.

ADJOURNMENT

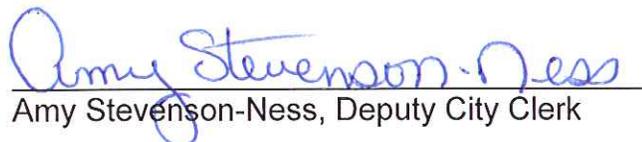
MAYOR PRO TEM TAYLOR MOVED to adjourn the meeting at 9:13 p.m.
Councilmember Whalen seconded the motion.

The motion was voted on and carried 5-0.



Katrina Asay, Mayor

ATTEST:



Amy Stevenson-Ness, Deputy City Clerk