



## CITY COUNCIL MINUTES

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**Regular Meeting**  
**Monday – May 17, 2010**  
**7:00 p.m.**

### **CALL TO ORDER**

Mayor Asay called the regularly-scheduled meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

### **ROLL CALL**

Council Members present were Heddlesten, Morton, Ott, Perry, Sanderson, and Whalen.

Council Member absent was Mayor Pro Tem Taylor.

**COUNCILMEMBER HEDDLESTEN MOVED** to excuse Mayor Pro Tem Taylor from the meeting. Seconded by Councilmember Ott.

The motion was voted and approved carried 6-0.

### **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.

### **PROCLAMATION**

Mayor Asay proclaimed May 19, 2010, as Kinship Caregiver Day in the City of Milton and urged citizens to join her in this special observance.

### **RECOGNITION**

Mayor Asay recognized Girl Scout Troop No. 40589 for their outstanding contribution to the community by beautifying the Interurban Trail.

Mayor Asay also recognized Alyssa Gendron from Girl Scout Troop 40589 for her sustainable, lasting benefit to the community in completing her Girl Scout Gold Award Project on the City of Milton's Interurban Trail.

**CITIZEN PARTICIPATION**

Speaking before the Council:

<b>Speaker</b>	<b>Address</b>	<b>Topic</b>
Jacquelyn Whalen	1605 13 <sup>th</sup> Avenue	Additional wireless microphones needed for Council.
Milton Loflin	1810 11 <sup>th</sup> Avenue	Information on bond loan for water system

**CONSENT AGENDA**

Approval of:

- Minutes from May 1, 2010, Council Retreat, May 1, 2010 Special Meeting, and May 3, 2010, regular meeting;
- May 5, 2010, payroll direct deposits, checks, and benefits in the amount of \$230,835.65;
- Checks/Vouchers, numbers 19545-19605, in the amount of \$\$340,455.48; and
- **AB10-054:** Fire Alarm Fine Waiver Request

**COUNCILMEMBER WHALEN MOVED** to approve the Consent Agenda as presented. Seconded by Councilmember Morton.

The motion was voted on and carried 6-0.

**REGULAR AGENDA**

A. AB10-042: Adoption of Fireworks Ordinance to amend Milton Municipal Code Chapter 8.04.

Chief Rhoads provided information to Council regarding the proposed Ordinance.

**COUNCILMEMBER OTT MOVED** to adopt Ordinance 1754-10 revising Chapter 8.04 of the Milton Municipal Code Regarding Fireworks. Seconded by Councilmember Perry.

Speaking before the Council:

<b>Speaker</b>	<b>Address</b>	<b>Topic</b>
Jacquelyn Whalen	1605 13 <sup>th</sup> Avenue	Consider referring permit fees to fee schedule.

**COUNCILMEMBER PERRY MOVED** to amend Chapter 8.04.080.D to strike “namely, that street adjacent to and front the on US Highway 99 and a northerly direction from 7<sup>th</sup> Street and at the present area known as the city business area. “and provided further, that no fireworks shall be sold in any residential area where a commercial enterprise does not exist”. Seconded by Councilmember Sanderson.

A friendly amendment was made by Mayor Asay to change Item D to say “fireworks are only allowed to be sold in business zones.”

The motion carried 6-0.

**COUNCILMEMBER PERRY MOVED** to amend Chapter 8.04.080.E to change the performance bond/cash deposit from “not less that \$50” to “not less than \$150”. Seconded by Councilmember Whalen.

The motion carried 6-0.

**COUNCILMEMBER HEDDLESTEN MOVED** to amend the last two lines of Chapter 8.04.080.E, to read “no later than 5:00 p.m. four business days after the 4<sup>th</sup> of July selling period and no later than 5:00 pm four business days after the New Year’s selling season.” Seconded by Councilmember Sanderson

The motion carried 6-0.

**COUNCILMEMBER HEDDLESTEN MOVED** to amend Chapter 8.04.10 to have all application for permits open from January 2<sup>nd</sup> of the calendar year of which the permit is applicable. Seconded by Councilmember Morton.

**COUNCILMEMBER PERRY MOVED** to amend the amendment to request that if upon further research the timeline is not correct, the administration may change it.

Motion withdrawn

**COUNCILMEMBER WHALEN MOVED** to amend the amendment to state “applications maybe made no more than 364 days prior to the event.” Seconded by Councilmember Morton.

The motion on the amendment carried 6-0.

The amended original motion carried 6-0.

**COUNCILMEMBER WHALEN MOVED** to strike the word “Manufactured” from Chapter 8.04.130.B. Seconded by Councilmember Sanderson.

A friendly amendment was made by Mayor Asay to say “and anywhere else it may be in the ordinance”.

The motion carried 6-0.

**COUNCILMEMBER SANDERSON MOVED** to amend Chapter 8.04.130.A.7 to include the wording of A.7 as part of A.6 to clarify the wording on the authorization of federal law. Seconded by Councilmember Morton.

Roll call vote was taken, resulting as follows:

Yes: Morton, Perry, Sanderson

No: Heddlesten, Perry, Whalen

The motion failed.

**COUNCILMEMBER HEDDLESTEN MOVED** to delete Chapter 8.04.130. A.6. Seconded by Councilmember Morton.

The motion carried 4-2 (Ott, Sanderson).

**COUNCILMEMBER SANDERSON MOVED** to amend Chapter 8.04.130 B, to change the definitions to the same wording as in the Washington Administrative Code (WAC) 212.17.198 with the exclusion of "anything that goes up and blows up." Seconded by Councilmember Ott.

The motion carried 6-0

**COUNCILMEMBER PERRY MOVED** to amend Chapter 8.04.120 – Sale of fireworks, from noon until 9 p.m. Second by Councilmember Ott.

Second and motion withdrawn

**COUNCILMEMBER HEDDLESTEN MOVED** to amend Chapter 8.04.120.A to say "fireworks can be sold from noon to 9 p.m. each day from 12/27 through 12/31. Second by Councilmember Morton.

The motion carried 4-2 (Whalen, Perry).

Mayor Asay moved further review of the proposed fireworks ordinance to the end of the agenda.

Mayor Asay called for a recess at 8:26 p.m. and reconvened the meeting at 8:32 p.m.

B. AB10-050: Appointment of For & Against Committees and update on Levy Lid Lift process

Finance Director Pierce stated that two citizens had applied to represent the "FOR" Committee, Margaret Drotz and Carol Flower.

**COUNCILMEMBER OTT MOVED** to authorize the Mayor to appoint Margaret Drotz and Carol Flower to the "For" Committee." Seconded by Councilmember Morton.

The motion was voted on and carried 6-0.

Mrs. Drotz thanked Council for giving citizens a chance to vote on the levy and expressed her appreciation for the opportunity to serve the City.

City Administrator Mukerjee reviewed minor changes to the adopted resolution, reviewed the explanatory statement for the Voters' pamphlet, and advised Council that the promotional flyer for the public had been sent to the Public Disclosure Commission for approval.

C. AB10-051: Resolution Approving the Heather Hills Phase II Project

Public Works Director Neal provided information to Council regarding the Heather Hills Phase II Project. She stated the project will allow 12 additional lots in Heather Hills and that the applicant has complied to all conditions set forth by the Hearing Examiner.

**COUNCILMEMBER SANDERSON MOVED** to approve Resolution 10-1785 approving the final plat for Heather Hills Division II, Milton Project Number 007-2010. Seconded by Councilmember Whalen.

The motion was voted on and carried 6-0.

D. AB10-052: Authorizing the Mayor to sign a Fire Investigation Agreement with Pierce County Fire Prevention Bureau

**COUNCILMEMBER PERRY MOVED** to authorize the Mayor and City Clerk to sign an agreement with Pierce County Fire Prevention Bureau for Fire Investigative Services. Seconded by Councilmember Sanderson.

The motion was voted on and carried 6-0.

E. AB10-053: Authorization of a utility service agreement with Lakehaven Utility District.

Director Neal provided information on the proposed agreement.

**COUNCILMEMBER OTT MOVED** to authorize the Public Works Director to enter into a formal service area agreement with Lakehaven Utility District to adjust the boundary between the utilities' service areas to serve the new Edgewood Sewage Pump Station #1. Seconded by Councilmember Whalen.

The motion was voted on and carried 6-0.

**CONTINUED:** AB10-042: Adoption of Fireworks Ordinance to amend Milton Municipal Code Chapter 8.04.

**COUNCILMEMBER HEDDLESTEN MOVED** to amend Chapter 8.04.140.B to change wording referring to “operator” or “competent operator” throughout the document to “holder of a Washington State pyrotechnic license”. Seconded by Councilmember Morton.

The motion carried 6-0.

**COUNCILMEMBER SANDERSON MOVED** to add a section to define “public display”, establishing a permit fee, setting hours for a public display, and who is qualified to have a public display. Seconded by Councilmember Whalen.

The motion carried 6-0.

**COUNCILMEMBER WHALEN MOVED** to table the Ordinance. Seconded by Councilmember Sanderson.

The motion carried 6-0.

### **CITY ADMINISTRATOR REPORT**

Mr. Mukerjee reported on the Rain Garden Workshop held by John Howard on May 12. He stated a lot of good information was shared and Mr. Howard could answer any questions on rain gardens.

He also stated he attended the grand reopening of Albertsons where the City was presented with a \$500 gift card to be used for seniors.

The Pierce County Regional Council passed an ordinance on County-wide flood control that will levy .50 per 1000 assessed valuation tax on property. Director Neal testified against the Ordinance but the Ordinance passed.

Mr. Mukerjee said he attended the volunteer firefighter graduation ceremony with Mayor Asay and Chief Thorson.

### **COUNCIL REPORTS**

Councilmember Sanderson reported on:

- Requested information on the ADA Settlement.

Councilmember Heddlesten reported on:

- Expressed concern regarding feeling unsafe in the neighborhoods and feels this needs to be addressed by the City.

Councilmember Perry reported on:

- Supports Councilmember Heddlesten's suggestion about promoting neighborhood safety.

Councilmember Ott reported on:

- Attended Pierce County Police Chief's Association ceremony honoring fallen officers; would like to see more councilmembers attend events;
- Car wash/all-you-can-eat taco event fundraiser at Faith Family Church for Kelsey Parrett held on May 15 was very successful;
- Invited all to attend the VFW All-You-Can-Eat Breakfast on June 5<sup>th</sup> from 8:00 to 11:00 a.m. Tickets are \$4.
- VFW donated \$200 toward the trout pond for the Milton Days Parade & Picnic;
- Announced a Memorial Day service at the Veterans' Memorial at 1:00 p.m.

## **MAYOR'S REPORT**

Mayor Asay reported that Pierce Transit is amending their bylaws to allow for a non-voting member and will be accepting comments until June 4. She also said that Neil Johnson, Mayor, City of Bonney Lake, was elected to the Pierce Transit Board to represent the small cities.

The Mayor also inquired if any councilmembers were interested in education efforts for the fire levy to provide information to the public. Councilmembers Morton and Perry expressed their interest.

Mayor Pro Tem Taylor's father passed away on May 14, 2010 and Mayor Pro Tem Taylor will be out of town for about 10 more days.

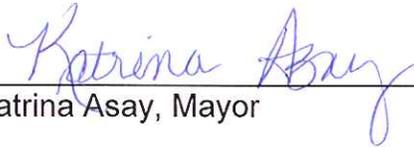
Mayor Asay stated that at the volunteer firefighter graduation, the City had four members graduating who earned four of 7 awards given out at the ceremony. The new firefighters will be introduced to Council in the future.

The Police Departments from Milton and Fife cosponsored a Shred-it truck for free document shredding. The event served a lot of people and promoted awareness of identity theft. In addition, a couple pallets of food were donated.

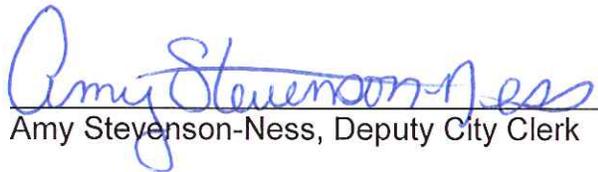
**ADJOURNMENT**

**COUNCILMEMBER WHALEN MOVED** to adjourn the meeting at 9:39 p.m.  
Councilmember Heddlesten seconded the motion.

The motion was voted on and carried 7-0.

  
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Katrina Asay, Mayor

ATTEST:

  
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Amy Stevenson-Ness, Deputy City Clerk