



## CITY COUNCIL

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**Regular Meeting**  
**August 6, 2007**  
**Monday, 7:00 P.M.**

**CALL TO ORDER:** Mayor Asay called the regular scheduled meeting to order at 7:00 P.M.

**ROLL CALL:** Present were Councilmember's Beaudry, Borek, Drotz, Heddlesten, Neal, and Sirack.

Councilmember Beaudry moved to excuse Councilmember Whalen. Councilmember Heddlesten seconded. Motion carried 6-0.

**STAFF PRESENT:** Interim City Administrator Carter, Fire Chief Jaques, Finance Director/City Clerk Pierce, Public Works Director Neal, Planning & Community Development Director Terrell, and Deputy City Clerk Marcelia.

**ADDITIONS/DELETIONS:**

Councilmember Borek requested to add item G to the main agenda: Planning Commission discussion.

**CITIZEN PARTICIPATION:**

*Diane Tomaso, 1709 Milton Way*, stated that the fire zone at school needs to be re-stripped.

*Robert MacDonald, 1308 15<sup>th</sup> Ave.*, commented on the teen dance being held on August 10<sup>th</sup> and shared his concerns about the time the dance ends. He requested that the sound system be turned down and that it end by 10:00 PM.

*Robert Cummings, 1506 13<sup>th</sup> Ave.*, talked about the parade and picnic – shared comments and concerns about the parking during the event. He commented about the cost of the sound system and stage being used during the block party. He shared his concerns about the appearance of the City's parks.

*Bryan Ott, 102 17<sup>th</sup> Ave. Ct.*, to answer Mr. Cummings questions – the VFW takes care of park around the memorial. He commented on his ride-along with a Milton Officer. He requested that Chief Rhoads give an update on the new ordinance (during Director Reports).

*Robert MacDonald, 1308 15<sup>th</sup> Ave.*, commented on the Clean-Up Days at Triangle Park.

*Jacquelyn Whalen, 1605 13<sup>th</sup> Ave.*, expressed a concern about the EMS Levy, requested an open house for information – concerned that the City Council would budget less money for the Fire Department if the Levy passes. She shared that the blackberries got cleaned up next to Kemper Field. She asked about the water level status – any water from the interties?

*Leonard Sanderson, 1201 24<sup>th</sup> Ave. Ct.*, shared concerns about how the City is financing certain projects.

#### **DIRECTOR'S REPORTS:**

Director's Reports were given by the Finance, Fire, Planning & Community Development, Public Works, and Police Department. Directors from all departments were present for questions and comments.

#### **EXECUTIVE SESSION:**

Mayor Asay recessed the meeting at 7:30 P.M. to an executive session to discuss property acquisition.

Mayor Asay called the meeting to order at 7:46 P.M.

Director's Reports continued after the executive session.

Councilmember Heddlesten asked a clarifying question, of Chief Rhoads, regarding ammunition costs. Chief Rhoads responded that the ammunition that was purchased was duty ammunition and shared an explanation as to why the cost is so high.

Councilmember Sirack asked a question, of Director Terrell, regarding a piece of property listed in her department report. Director Terrell clarified by stating what actually could be built on that property.

#### **CONSENT AGENDA:**

- (A) Minutes: July 16, 2007 Regular meeting; July 23, 2007 Special meeting
- (B) July 20<sup>th</sup> Payroll: direct deposits, checks and benefits in the amount of \$132,375.54.
- (C) Checks/Vouchers: numbers 13395 – 13543, in the amount of \$243,460.63.
- (D) Transformer for Lloyd's Development
- (E) Set Public Hearing for RTID: August 20, 2007

Councilmember Sirack asked to pull the checks/vouchers (Item B).

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

After a brief discussion, Councilmember Heddlesten moved to approve the checks and vouchers. Councilmember Borek. Motion carried 5-1. (Opposed: Sirack)

## **MAIN AGENDA:**

### **AB07-094 Police Vehicle Requisition:**

Chief Rhoads shared that, due to the total loss of a Police Cruiser, a replacement has to be procured in order to keep the fleet rotation current.

Councilmember Heddlesten moved to approve the purchase of a 2007 Dodge Charger Police Cruiser from Dwayne's Lanes Dodge for the total amount of \$31,332.71.  
Councilmember Sirack seconded. Motion carried 6-0.

### **AB07-091 Water Availability Letters, Ordinance 1704-07, Resolution 07-1721:**

Director Neal shared that water availability letters currently have no fee associated with them, have no expiration date, and historically have not been tracked.

Councilmember Drotz moved to approve Ordinance 1704-07, adding a new chapter to the Milton Municipal Code to govern certificates of water availability, effective August 15, 2007. Councilmember Beaudry seconded. Motion carried 6-0.

Councilmember Drotz moved to adopt Resolution 07-1721, establishing a fee schedule that incorporates water availability letter fees. Councilmember Beaudry seconded.

*Jacquelyn Whalen, 1605 13<sup>th</sup> Ave.*, asked how the \$100 amount was chosen – seems a little low compared to other jurisdictions. Director Neal stated that she was advised by the City Attorney that state law requires that the City only collect such funds as would be a valid reimbursement for what the funds are to be used for. In this case, the funds will be set aside for specific water rights, transfers, and development of existing wells.

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

### **AB07-092 Contract with Robinson, Noble & Saltbush for water Rights Work:**

Director Neal expressed that the City needs to contract with a consultant to begin the process of transferring existing unused water rights to potential new well sites.

*Milton Loflin, 1810 11<sup>th</sup> Ave.*, agreed that the City needs to enter into such a contract.

Councilmember Beaudry moved to authorize the Mayor to enter into a contract with the consulting firm of Robinson, Noble & Saltbush for hydrogeologic services with a not-to-exceed amount of \$40,075.00. Councilmember Borek seconded.

Councilmember Heddlesten commented that the City needs more water; the City has a certain amount of water, so expansion should not be allowed until more water is provided. He shared his support.

*Robert MacDonald, 1308 15<sup>th</sup> Ave.*, stated that he's in favor of fluoride in the water.

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

**AB07-093 Amending Building Codes to Make Removal of a Stop Work Order a Separate Offense, Ordinance 1705-07:**

Director Terrell shared that the Building Codes do not currently recognize the removal of a stop work order as a separate offense.

Councilmember Drotz asked a question regarding the enforcement of the code. Director Terrell answered that the Planning & Community Development Department issues a Stop Work Order, which has a fine associated with it. If the Stop Work Order is illegally removed, an additional infraction will be issued.

Councilmember Heddlesten requested clarification of the proposed ordinance and asked if an ordinance has been approved in the past that covers this issue. He requested that the City research the Code and find out if an ordinance is in place, covering this particular issue.

Councilmember Beaudry moved to approve Ordinance 1705-07, amending the international building code and the international residential code to make removal of a stop work order a separate offense. Councilmember Borek seconded. Motion carried 5-1. (Opposed: Heddlesten)

**AB07-088A Surplus Property – Motorcycle, Resolution 07-1722:**

Chief Rhoads indicated that the City no longer has need of the 1999 Kawasaki Motorcycle. The City currently has two motorcycles, a 1997 and a 1999 Kawasaki. The City mechanic has inspected both cycles and the 1997 is actually in better condition.

Councilmember Neal moved that Resolution 07-1722, declaring the 1999 Kawasaki motorcycle to be surplus and authorizing its disposal in accordance with state law, be approved. Councilmember Borek seconded.

Council was informed that the 1997 Kawasaki is worth approximately \$1700 – it has brand new tires and brand new chains. The 1999 Kawasaki is worth approximately \$1500 – it has been used for training: needs chains, tires, swing arm, etc. It would need more money and work put into it.

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

**AB07-095 Waiving Noise Ordinance, Resolution 07-1723:**

Abe Mouracade, Director of the Paidion Youth Center, was present to comment on the youth dance to be held on the night of August 10<sup>th</sup>.

Councilmembers shared comments and concerns regarding the volume of the music and the time of the dance concluding.

*Robert MacDonald, 1308 15<sup>th</sup> Ave.*, shared his concerns about the volume of the music and the location of the dance.

*Jacquelyn Whalen, 1605 13<sup>th</sup> Ave.*, thanked the sponsor of the event for trying to accommodate the concerns of the citizens that live nearby. She shared a concern about setting a precedent.

Councilmember Neal appreciates the work Mr. Mouracade has done with the kids in the community.

Mayor Asay suggested a change: the dance would go on from 8:00 P.M. to 11:30 P.M., music to be turned down at 10:00 P.M. and turned off completely at 11:00 P.M. The resolution needs to reflect MMC 9.37.050 Section C.

Councilmember Neal moved to approve Resolution 07-1723, authorizing a dance in Triangle Park for Milton's youth, as amended. Councilmember seconded.

Councilmember Heddlesten asked what the recourse will be if the music doesn't stop at the time allowed. Mayor Asay assured council and citizens that Officers would be present throughout the duration of the dance.

Councilmember Borek suggested that the dance be moved somewhere else next year if issues arise this year.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 5-1.  
(Opposed: Heddlesten)

**Planning Commission Discussion:**

Councilmember Borek shared his concerns regarding the terms of the Planning Commissioners.

Councilmember Borek moved that City Staff write an ordinance, shortening the terms of the Planning Commissioners to three years and bring it to the next study session. Councilmember Drotz seconded.

Councilmember Sirack questioned why such an ordinance is needed. Councilmember Borek stated that he doesn't believe that some of the Planning Commissioners are acting in the best interest of the City.

Councilmember Neal commented that he's in favor of shortening the term to three years.

Mayor Asay stated that the ordinance would come to a study session and then to a regular council meeting for approval.

Councilmember Heddlesten moved to table the motion. Councilmember Sirack seconded. Motion failed 2-4. (Opposed: Beaudry, Borek, Drotz, Neal)

Mayor Asay called for the vote. Motion carried 4-2. (Opposed: Heddlesten, Sirack)

**Base Capital:**

Mayor Asay stated that the City Attorney has requested the authority to negotiate a settlement with Base Capital regarding easement rights costs.

Councilmember Beaudry moved to authorize the City Attorney to offer Base Capital \$8,000 to settle Milton’s condemnation action against Base Capital for the acquisition of a wellhead protection easement. Councilmember Borek seconded. Motion carried 6-0.

**COUNCIL REPORTS:**

Councilmember Sirack: asked about the selection of the Citizen Advisory Committee. She also asked about the City Administrator’s selection process. Mayor Asay said that she couldn’t provide a date of completion for the process at this time.

Councilmember Heddlesten: commented on the fireworks demonstration during the centennial celebration and asked if the fireworks ordinance covered this event – Mayor Asay assured him that Chief Jaques looked into it and the ordinance covers special City events.

Councilmember Beaudry: reminded everyone of the Centennial Parade and Picnic celebration on August 17<sup>th</sup> and 18<sup>th</sup>.

Councilmember Neal: going to be on vacation – Councilmember Borek moved to excuse Councilmember Neal from the next 2 meetings. Councilmember Beaudry seconded. Motion carried 6-0.

**MAYOR’S REPORT:**

The Citizen Advisory Committees are in the process of being formed – there is a list of approximately 27 people that will receive letters. The City is hoping to have 2 meetings in September and 2-3 in October. The first meeting is tentatively scheduled for September 12<sup>th</sup>.

There have been quite a few sponsors and donations made for the parade and picnic. There are hats, mugs, travel mugs and lapel pins for sale in City Hall. The t-shirts should arrive sometime this week.

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**ADJOURNMENT:**

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

The meeting was adjourned at 9:14 P.M.

  
Katrina Asay, Mayor

ATTEST:

  
Katie Marcelia, Deputy City Clerk