



Regular Meeting
October 16, 2006
Monday, 7:00 P.M.

CALL TO ORDER: Mayor Asay called the regularly scheduled meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

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

STAFF PRESENT: Interim City Administrator Carter, Director of Planning and Community Development Terrell, Director of Public Works Neal, Finance Director Pierce and Deputy City Clerk Daker. Also present was City Attorney Phil Olbrechts.

ADDITIONS/DELETIONS:

Mayor Asay pulled agenda item 7B – Lockbox/Banking Services. City Staff did not receive the contract and still are going through negotiations.

DIRECTOR'S REPORTS:

Director's Reports were provided by the Police, Fire, Public Works Departments. Director Pierce and Director Terrell passed out their reports to the council at this time. Directors from the various departments were present for questions and comments. Chief Jaques was out of town, but Mayor Asay informed citizens and council that they could contact him if they have questions.

After Director Terrell's report, Councilmember Heddlesten made a comment about the structure on blocks out on 99. He suggested that a safety fence be placed around it. Director Terrell informed him that the property recently had been sold and is under new ownership; it will become the home office of Simplicity Homes, currently located in Tacoma. She instructed the new owners to get a fence in place and also informed them of the steps needing to take place in order to complete their application.

Councilmember Whalen asked Director Terrell about the new Administrative Assistant and asked if Code Enforcement would be worked on. Director Terrell answered that, upon hiring Janet Coyle, the department is progressing towards Code Enforcement.

CITIZEN PARTICIPATION:

Gary Dunham, owner of Heather Hills, commented on the emergency relief ordinance – eliminating sideyard setback requirements in mobile home parks. He spoke of two residents in Heather Hills who were being affected by the setback requirements. Mr.

Dunham requested that the code be changed and the ordinance be reconsidered and approved.

Councilmember Beaudry asked the City Attorney what the procedure would be to bring this ordinance back for approval. Mr. Olbrechts stated that a special meeting would need to be scheduled – council would not be able to vote on it during this meeting.

Councilmember Whalen suggested that the ordinance be placed on the main agenda; Mayor Asay agreed and added it as the first item on the main agenda.

Leonard Sanderson, 1201 24th Ave. Ct., commented that the Activity Center newsletter failed to advertise the luncheons being provided at the Milton Activity Center – but it did advertise the luncheon going on in Fife. The Mayor informed him that she would check into it. He was glad to see the City Attorney present for the meeting.

CONSENT AGENDA:

- (A) Payroll
- (B) Checks/Vouchers
- (C) Set Public Hearings:
 - *November 6, 2006* - discuss the 2007 revenue sources including property tax revenue
 - *November 20, 2006* - to solicit public input and comment from interested individuals or groups on the proposed 2007 Budget
 - *December 4, 2006* – final public hearing on the proposed 2007 Budget
- (D) Civil Service & Planning Commission Appointments

Councilmember Beaudry moved to approve the Consent Agenda. Councilmember Whalen seconded. Motion carried 7-0.

MAIN AGENDA:

Emergency Ordinance, Mobile Home Parks:

Mayor Asay informed council that a special meeting could be scheduled, with 24 hours notice. Director Terrell briefly summarized the ordinance and how it is affecting citizens in Heather Hills. The ordinance would allow an emergency six month relief for sideyard setbacks. The ordinance was taken back to the Planning Commission. Planning Commissioners have requested that Director Terrell continue getting the environmental SEPA work.

Councilmember Beaudry asked if he was to buy a residential lot and place a mobile home on it, what setback requirements would apply. Director Terrell informed him the setback requirements are applicable to the zoning district which the lot is in. The zero lot line in mobile home parks would apply *only* to mobile home parks.

Councilmember Whalen asked for clarification of the information that Director Terrell provided during the October 2nd meeting.

Mayor Asay

Joe Butler, Heather Hills #329, commented on the zero lot line requirements and shared that he's in favor of changing the code.

John Breeze, Heather Hills #314, asked why the City would've made these requirements.

Councilmember Borek commented that a Special Meeting be scheduled. Mayor Asay said that a few more citizens could comment on the issue.

Jacquelyn Whalen, 1605 13th Ave., speaking as a citizen, not as a Planning Commissioner, asked the City Attorney some questions regarding to the "Whereas's". The City Attorney responded that we have to explain why the homeowners don't just get a variance. This is an emergency situation. As a legislative finding, it doesn't set a precedent for everyone.

Leonard Sanderson, 1201 24th Ave. Ct., commented that the mistake needs to be straightened out and shared that he was in favor of the council passing the ordinance.

Joe Butler, Heather Hills #329, commented that the citizens that live in Heather Hills live there because it's affordable.

Mayor Asay asked if there was anyone else in the audience that wished to comment on this agenda item. Hearing none, she moved the discussion to the council.

Councilmembers discussed this issue further, asking questions of the City Attorney. City Attorney Olbrechts answered clarifying questions. Councilmember Whalen brought up the idea of a moratorium.

Mayor Asay asked what information council would need before this ordinance is brought back for consideration.

Councilmember Heddlesten commented that he took a look at the property of discussion. He observed that the house was inhabitable and there was a place to park – off of the road. He suggested that the ordinance go back to the Planning Commission for review.

Councilmember Borek moved that council schedule a special meeting on Wednesday October 18th. Councilmember Beaudry seconded. Mayor Asay called for further discussion.

Councilmember Sirack suggested that the City Attorney look into who can make the motion to bring the ordinance back to the table.

Councilmember Whalen asked that the City Attorney be present at the special meeting.

Councilmember Whalen voted in the majority in the last regular meeting so he moved to bring the zero lot line ordinance back at the special meeting on October 18th to discuss it further. Councilmember Beaudry seconded. Motion carried 6-1.

Mayor Asay called for the vote on the previous motion made by Councilmember Borek, seconded by Councilmember Beaudry – to schedule a special meeting on October 18th at 5:00 P.M. to review the emergency ordinance for mobile home parks. Motion carried 7-0.

INTRODUCTION:

Mayor Asay called Steve Cofchin to the lectern; he's running for congress in the 9th District and wanted to introduce himself to citizens and council.

After the brief introduction, Mayor Asay recessed the meeting at 8:20 P.M. for a break and reconvened at 8:25 P.M.

AB06-072C Nuisance Ordinances: *Ordinances 1675, 1676 and 1677*

The City Attorney has revised the drafts of several proposed nuisance ordinances included in the agenda packet for Council's review. Mr. Olbrechts presented and discussed the revised ordinances:

New Chapter 9.52 Ordinance

Junk Vehicles Ordinance

New Chapter 1.08 Ordinance

Councilmembers asked clarifying questions of Mr. Olbrechts.

Councilmember Sirack asked if Mr. Olbrechts could have the Parking Ordinance completed soon. He responded that he would have it ready for the first regular meeting in November.

Councilmember Whalen moved to approve Ordinance 1675-06, adding a new chapter 9.52 to the Milton Municipal Code to regulate public nuisances and providing for the effective date thereof. Councilmember Sirack seconded. Mayor Asay asked for further discussion.

Councilmember Neal asked who would be maintaining the sidewalks. Mr. Olbrechts answered that he would have to take a look at the City's code; usually the City is responsible for maintaining the sidewalks. However, if the code requires it, property owners would be responsible for the sidewalks.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 7-0.

Councilmember moved to approve Ordinance 1676-06, with noted changes, amending chapter 10.21 Milton Municipal Code, Junk Vehicles, in order to clarify the definition of junk vehicles and how to certify a junk vehicle, making violation of the junk vehicle ordinance a civil infraction and fixing a time when the same shall become effective. Councilmember Sirack seconded. Mayor Asay asked for further discussion.

Councilmember Heddlesten shared a concern about section 10.21.020a. A three year old car shouldn't qualify as a junk vehicle.

Councilmember Whalen asked to clarify some of the language in the ordinance.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 7-0.

Councilmember Heddlesten moved to approve Ordinance 1677-06, as corrected, repealing and replacing chapter 1.08 MMC in order to create a universal code enforcement process applicable to nuisances, violations of development regulations and

other provisions of the MMC, amending Chapter 8.24.010 MMC to clarify that it is only to be applied to unfit dwellings, buildings and premises as contemplated by Chapter 35.80 RCW, amending Chapter 17.78 MMC in order to provide more detail on the contents of voluntary compliance agreements and providing for the effective date thereof. Councilmember Sirack seconded. Motion carried 7-0.

AB06-098A Police Department Extra Duty Contract:

City Administrator Carter presented the agenda bill and contract for the Extra Duty Police Officers. This item was discussed during the last study session. It was expressed that several businesses in Milton have requested to either contract with the City to have Police Officers perform security at their business or hire the Police Officers directly. City Staff have contacted our insurance carrier to determine liability issues that might arise from having Police Officers working for a business while still wearing their official uniform, equipment, etc.

City staff have calculated the rate for use of the contract: \$53.30 per hour, per officer, for a minimum of three hours.

Councilmember Whalen moved that the form of the extra duty Police Officers Contract be approved and that the Mayor and Police Chief be authorized to execute said contracts. Councilmember Beaudry seconded. Mayor Asay asked for further discussion.

Councilmember Heddlesten shared his views on the topic.

Leonard Sanderson, 1201 24th Ave. Ct., asked if an officer of one jurisdiction could serve as a reserve officer in another jurisdiction. He was informed that the officer could choose to do so.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 5-2.

COUNCIL REPORTS:

Councilmember Drotz: attended the service for Reserve Officer Guy (Bear) Barattieri, Jr. on Friday. She also commented on the Heather Hills issue with the zero lot line.

Councilmember Neal: inspired by the meeting two weeks ago. He expressed that, as a Councilmember, his first responsibility is to the City of Milton.

Councilmember Sirack: commented on fallen Reserve Officer Guy (Bear) Barattieri, Jr.

Councilmember Heddlesten: expressed that Anna Ballard did a wonderful job organizing the annual craft bazaar.

Councilmember Whalen: had heard that WSDOT only wants to widen SR 161 to 24th, not 36th – wanted a point of clarity on this issue.

MAYOR'S REPORT:

- Reminded council and citizens of the Police Chief Open House on October 23rd in Council Chambers from 5:00 P.M. – 7:00 P.M.
- Had Phil Olbrechts present information on I-933

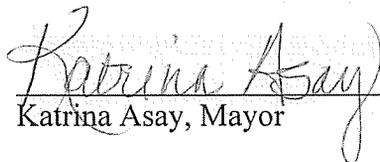
EXECUTIVE SESSION:

Mayor Asay recessed the meeting to an executive session at 9:25 P.M. to discuss personnel for approximately 15 minutes, The Mayor stated that no action would be taken. The meeting was reconvened at 9:59 P.M.

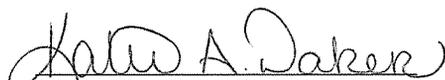
ADJOURNMENT:

Councilmember Beaudry moved to adjourn. Councilmember Neal seconded. Motion carried 7-0.

The meeting was adjourned at 10:00 P.M.


Katrina Asay, Mayor

ATTEST:


Katie Daker, Deputy City Clerk