



## CITY COUNCIL

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**Regular Meeting**  
**September 4, 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 Borek, Drotz, Heddlesten, Neal, and Whalen.

Councilmember Beaudry was excused at the August 20<sup>th</sup> meeting; Councilmember Sirack asked to be excused. Councilmember Heddlesten moved to excuse Councilmember Sirack. Councilmember Borek seconded. Motion carried 5-0.

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

**ADDITIONS/DELETIONS:**

Councilmember Whalen requested discussion on council policies and procedures and PCRC. Mayor Asay assigned agenda item numbers (E) Council Policies and Procedures and (F) PCRC.

**CITIZEN PARTICIPATION:**

*Milton Loflin, 1810 11<sup>th</sup> Ave.*, Councilmember Whalen's comment of "where will we be in 20 years" made him think about the City's future; he suggested some changes – parks, fire, police, electrical system, water, stormwater, and the organization of the administration. He plans on talking to council about one item each week and his ideas for change.

*Leonard Sanderson, 1201 24<sup>th</sup> Ave. Ct.*, commented on the schedule and status of council committees and stated that the committees serve a useful function. He suggested that council and citizens watch the City of Sumner's council meetings for an excellent example of how council committees work. He would like to be made aware of the time and location of council committee meetings in the future.

## **DIRECTOR REPORTS:**

Councilmember Whalen requested, from Director Neal, an update on Base Capital, the Interurban Trail project, closure/detour on Porter & 5<sup>th</sup> Ave., right of way acquisition meeting that occurred, status and timeframe of corridor well, clearing/mowing the right of way of 16<sup>th</sup> and Main, lowering the speed limit on SR99; he also requested that someone take a look at the corner of 13<sup>th</sup> & Oak Street (debris issue). Director Neal stated her report would be completed tomorrow but updated council on the Interurban Trail progress, the 5<sup>th</sup> Ave. closure, and the corridor well project. All of Councilmember Whalen's requests will be addressed in Director Neal's report.

Councilmember Heddlesten requested information regarding the reader board – Mayor Asay stated that we have a contracted company putting up the reader board. At the present time, the frame is being painted.

Councilmember Whalen requested information on fire zone re-stripping at the school. Chief Jaques stated that it is an action item for the school to take care of within 30 days.

Councilmember Borek inquired about the sign that was placed out on a street during a speed trap. Chief Rhoads stated that the sign was confiscated.

Councilmember Whalen asked a question of Chief Rhoads regarding appropriate latching mechanisms on emergency exits; Chief Rhoads stated that he would look into it.

## **CONSENT AGENDA:**

- (A) Minutes: August 6, 2007 Regular Meeting  
August 20, 2007 Regular Meeting
- (B) August 20<sup>th</sup> Payroll: direct deposits, checks and benefits in the amount of \$151,560.22.
- (C) Checks/Vouchers: numbers 13621 – 13749, in the amount of \$356,294.42.

Councilmember Whalen asked to pull the minutes, payroll and checks/vouchers from the consent agenda.

### **(A) Minutes:**

Councilmember Whalen stated that he received the information he wanted in regards to Base Capital – Director Neal's report will include an update. Councilmember Drotz moved to approve the August 6, 2007 minutes. Councilmember Borek seconded. Motion carried 5-0.

Councilmember Whalen shared a concern in regards to a discussion that took place in the August 20, 2007 minutes. He asked if the policy and procedures cover an abstain vote. He also stated that he wanted the reason for his abstaining from the vote, regarding RTID, to include his disappointment with the City for not providing the information needed by council. Councilmember Borek moved to approve the August 20, 2007 minutes, as amended. Councilmember Whalen seconded. Motion carried 4-0. (Due to her absence on August 20<sup>th</sup>, Councilmember Drotz did not vote)

**(B) Payroll:** Councilmember Whalen commented that he would still like to see the accountability for the expenditures. The information that used to be provided to council is not longer being provided. He believes the council and citizens are entitled to this information.

Councilmember Borek moved to approve the payroll. Councilmember Drotz seconded. Motion carried 4-1. (Whalen)

**(C) Checks/Vouchers:** Councilmember Whalen asked what “UB” means and asked a clarifying question regarding an amount stated on the report. Director Pierce stated that “UB” means Utility Billing and shared that, due to the current Springbrook upgrade, the way that refunds are done for the utility system has changed. She clarified that the tracking has changed and she has been in contact with Springbrook’s customer support.

Councilmember Whalen moved to approve the checks/vouchers. Councilmember Drotz seconded. Motion carried 5-0.

#### **MAIN AGENDA:**

##### **AB07-097A Third Party Building, Structures, Civil and Fire Inspection Roster, Resolution 07-1725:**

Director Terrell expressed that the Planning, Public Works and Fire Departments wish to create a third party inspections roster to cover *as needed* building, fire, and civil improvement inspections.

Councilmember Drotz moved to approve Resolution 07-1725, creating a third party building, structures, and civil improvements inspections roster. Councilmember Borek seconded.

Councilmember Whalen asked about Exhibit A: Director Terrell answered by saying that the firms listed could provide any or all of the services that the City was looking for. The firms listed are those who responded to the City’s request for qualifications.

Councilmember Heddlesten asked section 4 and 5, “at the discretion of the City”; he asked if that means the City gets to choose the firm for the projects that arise. Director Terrell stated that staff would have the authorization to choose from the firms listed on Exhibit A. Heddlesten shared his concern of council not being involved in the selection process. Mayor Asay stated that approving the roster and resolution is council’s involvement. Director Terrell commented that no citizen money is involved and clarified how this function has been paid for in the past.

*Leonard Sanderson, 1201 24<sup>th</sup> Ave. Ct.*, commented on the recent activities of staff and council. He believes that the elected council’s responsibility is to help oversee what goes on in the City. He stated that there is no definition, in the resolution, of what a large project is. He shared his concern with authorizing staff to hire developers, paying them up to \$100,000, and the council not knowing anything about it. Council needs to take responsibility.

Director Terrell shared that the fees will be paid for through the building permit fee, water permit fee, electric permit fee etc. Using the roster would allow City Staff to provide appropriate turn around services for inspections.

Councilmember Whalen requested a clearer understanding regarding any debt liability that the City would end up paying – is there a safeguard or insurance that the City won't be responsible for paying if the fees aren't paid for? Director Terrell answered that there are fees attached to the permits themselves: there are water, electric, and building permit fees. That fee gets paid upfront. If the fee for the contracted services goes above and beyond the fee paid upfront, the City will ask for a deposit. Director Terrell referred to the resolution for clarification.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 4-1. (Heddlesten)

**AB07-096A Amending Building Codes to Require a Guard over Falling Hazard Areas, Ordinance 1708-07:**

Director Terrell stated that the Public Works Development standards require a fence or guard on top of any retaining wall over 30 inches to protect someone from falling over the edge. The Milton Building Codes and Zoning Code need to match this development standard.

Councilmember Neal commented on retaining walls. Director Terrell directed council to Section 1 of the ordinance: anything over 30" tall requires a building permit and a wall of that size requires engineering.

Councilmember Neal moved to approve Ordinance 1708-07, requiring a guard over a fall hazard above 30" as required in the City of Milton Public Works Development Standards. Councilmember Drotz seconded.

Councilmember Heddlesten stated that he didn't see anything in the ordinance regarding grandfathering in existing walls. Director Terrell answered that she hadn't provided for a grandfathering clause, however, an effective date is set. Heddlesten suggested that the ordinance state that it applies to any new construction from the date of application forward and possibly request that people who have non-conforming walls, make them conform.

Interim City Administrator Carter helped to clarify.

Councilmember Whalen asked why this hasn't gone to the Planning Commission. Director Terrell stated that it is not a change in the development regulations – it's merely a clarification. Whalen also asked if there was a reason why the RMD zone wasn't mentioned – he suggested adding it. He would feel much better supporting it after the Planning Commission has had a chance to review it. Director Terrell shared that she doesn't believe it needs to go to the Planning Commission.

Councilmember Heddlesten asked how high a guard needs to be if one is required. Director Terrell stated that it is cross-referenced in the building code section, Section 16.07; an appropriate guard would need to be 42" high.

*Leonard Sanderson, 1201 24<sup>th</sup> Ave. Ct.*, commented on Interim City Administrator Carter's explanation and commented that it relates to another situation regarding the complex he lives in – installing a stormwater retention system. How did the City do away with the 25% reduction on the stormwater charge? He believes that, if this ordinance is to be clear, another section would be added – stating that this requirement is prospective only.

Director Terrell suggested a change to Section 1, 1013.1 *Where Required*.

Councilmember Heddlesten moved to amend the previous motion to add the words "Upon issuance of a building permit, guards shall be located..." to Section 1.1013.1. Councilmember Drotz seconded. Motion carried 4-1. (Opposed: Whalen)

*Jacquelyn Whalen, 1605 13<sup>th</sup> Ave.*, asked a clarifying question regarding Section 1, part B.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 4-1. (Opposed: Whalen)

**AB07-103 Contract for Copier Lease:**

Director Pierce presented the proposal from Preferred Copier Systems.

Councilmember Borek moved to authorize the Mayor to sign the Preferred Copier Systems lease agreement for the Finance Department copier. Councilmember Drotz seconded.

Councilmember Whalen supported the contract.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 5-0.

**AB07-104 Thank You Resolution 07-1726:**

Councilmember Drotz moved that Resolution 07-1726, offering a "thank you" to the sponsors and volunteers for the Milton Parade and Picnic, be approved. Councilmember Borek seconded. Motion carried 5-0.

**Council Policies and Procedures:**

Councilmember Whalen asked for clarification regarding an abstained vote counting as a "yes" vote. Mayor Asay stated that she believes that vote falls under Council Voting in Council Policies and Procedures – page 5, section 4D. He stated that, in the incident he described, it wasn't a disqualification. The Mayor stated that the only 2 valid disqualifications are mentioned in section 4D on page 5. Without one of those 2 disqualifications, the quorum still stands, you are required to vote; if you choose to abstain, it goes to the positive.

**PCRC:**

Councilmember Whalen recommended that a letter be sent to PCRC, listing members and alternates.

Councilmember Whalen moved to appoint Mayor Asay as the second alternate to PCRC. Councilmember Drotz seconded. Motion carried 5-0.

**COUNCIL REPORTS:**

Councilmember Drotz reminded Mayor and Council that, according to council policies, council reports should be utilized for the purpose of councilmembers reporting updates from committee meetings that they've attended and delegate reports.

Councilmember Drotz: the South King County Area Transportation Board did not meet in August due to the reconstruction of I-5. The Economic Development Board met last week, however, there was no quorum.

Councilmember Neal: likes the new paint in council chambers.

Councilmember Whalen: PCRC didn't meet this month. He appreciates seeing the park from Milton Way.

**MAYOR'S REPORT:**

Updated council on the citizen advisory committee: approximately 30 letters have been sent to applicants and we're in the process of getting the scope of work from BHC. There will be a special meeting next Monday to ask the council to approve the expenditure. The first meeting will not be September 12<sup>th</sup>, the date will be forth coming. Cyndi Baker is chairing the committee.

She attended a Tall Ships fundraiser; the ships will be returning next year on July 4, 2008.

Interim City Administrator Carter asked for an opportunity to speak to the council. He shared that he's been the Interim City Administrator for approximately 16 months. He shared some concerns and issues that need to be addressed. He stated that he no longer feels affective in his position. He gave his resignation and will be leaving the City at the end of the month. He did this on his own accord; he is concerned for the community and for how things operate in the City. He ended by saying what a pleasure its been working for the City of Milton.

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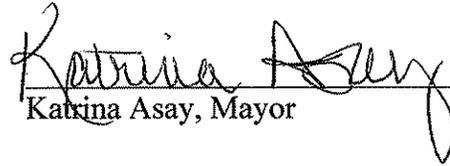
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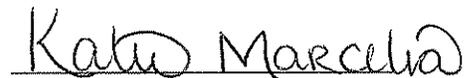
**ADJOURNMENT:**

Councilmember Borek moved to adjourn. Councilmember Neal seconded. Motion carried 5-0.

The meeting was adjourned at 8:35 P.M.

  
Katrina Asay, Mayor

ATTEST:

  
Katie Marcelia, Deputy City Clerk