



CITY COUNCIL

Regular Meeting
December 3, 2007
Monday, 7:00 P.M.

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

ROLL CALL: Present were Councilmembers Beaudry, Borek, Drotz, Heddlesten, Neal, Sirack and Whalen.

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

ADDITIONS/DELETIONS:
None.

CITIZEN PARTICIPATION:

Milton Loflin, 1810 11th Ave., spoke on ways to improve services to the citizens: Police Department – we have a good Police Department. The problems are the way Police efforts are structures in this State. He shared some of his concerns. He asked suggested that Council consider joining forces with the Edgewood Police Department.

CONSENT AGENDA:

- (A) Minutes: June 18, 2007 Regular Meeting
November 5, 2007 Special Meeting
November 13, 2007 Special Meeting
November 19, 2007 Special Meeting
- (B) November 20th Payroll: direct deposits, checks and benefits in the amount of \$158,325.39.
- (C) Checks/Vouchers: numbers 14238 – 14347, in the amount of \$645,957.66.
- (D) Set Public Hearings:
 - Monday, December 17, 2007 at or about 7:00 P.M. to receive citizen comments on a release of an easement – Linden Short Plat
 - Monday, December 17, 2007 at or about 7:00 P.M. to receive citizen comments on the 2007 Budget Amendments

Councilmember Whalen pulled the November 5, 2007 Special Meeting minutes and the November 20th payroll.

Councilmember Beaudry moved to approve the Consent Agenda as amended.
Councilmember Drotz seconded. Motion carried 7-0.

(A) Minutes:

Councilmember Whalen moved to change the text of the sixth paragraph under agenda item 07-116A on page 5, "...trying to recover from the lack of staff in the Finance Department..." to say "...trying to recover from the redirection of staff to other City priorities as identified by the City." Councilmember Sirack seconded. Motion carried 7-0.

Councilmember Whalen moved to approve the November 5, 2007, Special Meeting minutes. Councilmember Beaudry seconded. Motion carried 7-0.

(B) Payroll:

Councilmember Whalen shared his disappointment regarding the City choosing not to provide supporting documentation for the payroll.

Councilmember Beaudry moved to approve the November 20th payroll. Councilmember Sirack seconded. Motion carried 6-1. (Opposed: Whalen)

MAIN AGENDA:

AB07-067C Public Hearing – Final 2008 Budget:

The Council must hold a Public Hearing on the final 2008 Budget. Director Pierce briefly explained the changes to the line items.

Councilmember Whalen asked for a fund distribution for salaries. She handed out a summary of the total salary and benefit cost by position and fund. She stated that the clerical pool was not reflected on the document, but it should be included.

Councilmember Heddlesten asked at a previous meeting for the total amount being spent on communications. Director Pierce addressed his question. He wanted to know how much is spent on cell phones, blackberries, and other communication items as well as a justification as to why so much money is being spent. Director Pierce stated that she would get the information to him after the Public Hearing.

Mayor Asay opened the Public Hearing at 7:21 P.M.

Leonard Sanderson, 1201 24th Ave. Ct., asked for clarification regarding the 2 untitled pages that were passed out. He also asked about the Civil Service administrative position; Mayor Asay stated that the position wasn't terminated, however, the stipend will not be paid in 2008. He stated that he was told that the gas tax was based on MRSC's projection – he's concerned that we're budgeting too much. Mayor Asay asked him what he would like to see; he said that he thinks it will be less than what was

projected in July. He commented on pages 22-23 – he shared that would like to see real figures. Mayor Asay stated that the figures didn't include the ending fund balance.

Director Pierce clarified that the incoming revenues equal the outgoing expenditures – it was skewed a little due to a large building permit that came in this year.

Mayor Asay closed the Public Hearing at 7:28 P.M.

AB07-128A Closed Public Hearing – Aerie Crest Preliminary Plat Approval, Resolution 07-1733:

The Council must consider approval of the proposed Aerie Crest Preliminary Plat.

Mayor Asay opened the Public Hearing at 7:28 P.M.

Angela Belbeck, Land Use Attorney from Ogden Murphy & Wallace, shared that the hearing is subject to the appearance of fairness doctrine; the hearing must be fair in substance as well as fair in appearance. She asked if any Councilmember or the Mayor had any conflict of interest or appearance of fairness concern that would prohibit them from participating tonight.

Mayor Asay recused herself due to what may be perceived as a conflict of interest and turned the meeting over to Mayor Pro Tem Beaudry.

Councilmember Whalen stated that his wife, Jacquelyn Whalen, is the chair of the Planning Commission.

Councilmember Drotz commented, according the Attorney, Councilmember Whalen was to recuse himself. Ms. Belbeck stated that would be discussed later.

Ms. Belbeck proceeded to ask questions of Council.

Mayor Pro Tem Beaudry recessed the meeting to an executive session to discuss potential litigation for approximately 15 minutes at 7:32 P.M.

Council returned to chambers at 7:49 P.M.

Ms. Belbeck asked if anyone in the audience would object to Councilmember Whalen's participation.

Bryan Ott, 102 17th Ave. Ct., [verbatim] "I am going to strongly object to Mr. Whalen's participation in this, if the Mayor can step down. And I want to make sure that it's on record also that I was at the Planning Commission and I, uh, did not make a statement there because I was gaveled, I was running against him, and I was gaveled by his wife, told to sit down. And I have not, uh, and that's on the record also, that's – you can take a listen, take a – make sure you do listen to it."

Councilmember Whalen responded to the citizen comment: as a councilmember, he believes he is entitled to certain information, he requested information in regards to Aerie Crest to prepare the meeting, but didn't receive the requested information.

Councilmember Whalen moved to delay the Public Hearing. Councilmember Sirack seconded.

Councilmember Heddlesten asked how long the delay would be. Councilmember Whalen stated that he would be prepared by the next regular Council meeting, December 17th.

Councilmember Drotz requested that each Councilmember receive the materials that Councilmember Whalen requested.

Mayor Pro Tem Beaudry asked if there would be any hardship involved if it is delayed an additional 14 days – Director Terrell stated that CD's have been available for approximately a month. She stated that there are process issues and shared the MMC requirements. She recommended that the process not be delayed.

Neil Wiener, the applicant, shared that he would rather not see the process delayed.

Councilmember Whalen withdrew the motion. Councilmember Sirack withdrew the second.

Councilmember Whalen chose not to recuse himself.

Ms. Belbeck addressed the nature of the hearing and clarified the meaning of a closed hearing; no new information can be provided. Parties of record are the only ones who can comment. Dan Hardin, City Planner, provided Mayor Pro Tem Beaudry with a list of parties of record.

Director Terrell gave information regarding the property of the applicant.

Neil Wiener, the applicant, shared that he wants to build a community that the City of Milton would be proud of.

Mayor Pro Tem Beaudry closed the Public Hearing at 8:00 P.M.

Councilmember Whalen asked clarifying questions of Director Terrell.

Councilmember Drotz asked if the Olofson Plat was taken into consideration. Director Terrell stated that it wasn't included.

Director Terrell passed out an amended resolution.

Councilmember Whalen moved that Resolution 07-1733, approving the Aerie Crest Preliminary Plat (#020-2005) with conditions as stated in the November 1, 2007 Revised Staff Report, be approved. Councilmember Neal seconded. Motion carried 7-0.

Mayor Pro Tem Beaudry recessed the meeting for approximately 5 minutes at 8:11 P.M.

Mayor Asay reconvened the meeting at 8:17 P.M.

AB07-127A 2008 Budget Adoption, Ordinance 1711-07:

Director Pierce shared the figures regarding the communications: \$78,000 was budgeted for 2007, and \$62,000 has been used through November 2007. It includes Sprint, Eschelon, Nextel, Verizon, Qwest, and postage. Councilmember Heddlesten shared that \$78,000 was quite a bit of money for communications for a City this size.

Councilmember Drotz asked what the alternative would be.

Councilmember Borek requested a breakdown of each service.

Councilmember Borek moved to adopt Ordinance 1711-07, adopting the 2008 Budget. Councilmember Neal seconded.

Councilmember shared comments and concerns.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 6-1.
(Opposed: Heddlesten)

AB07-130 Contract Supplement for Right of Way Surveying on the Interurban Trail:

Councilmember Whalen moved to authorize the Mayor to sign a contract supplement for additional surveying of the Interurban Trail Project with W&H Pacific, and to authorize a budget adjustment to cover their estimated cost of \$8,834.33. Councilmember Sirack seconded.

Councilmember Heddlesten asked if the construction site was surveyed before the construction started. Director Neal stated that permanent markers will be placed to help distinguish the property line.

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

AB07-131 Acceptance of TIB Grant for Milton Way: 11th to 15th:

Director Neal presented this item. Councilmember Whalen clarified that this is a sidewalk project.

Councilmember Borek moved to accept the TIB grant money for improving Milton Way between 11th and 15th, and authorize an allocation of funds in the amount of \$81,095 in the 2008 Budget from the General Fund to the Municipal Capital Improvement Fund for the City's contribution to this project. Councilmember Whalen seconded. Motion carried 7-0.

AB07-132 Acceptance of Ecology Grant for Stormwater:

Councilmember Whalen moved to accept the Department of Ecology grant monies and authorize the Public Works Director to proceed with funding eligible activities. Councilmember Heddlesten seconded.

Councilmember Drotz asked if a work plan could be submitted to Council. Director Neal stated that they would.

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

AB07-047A Amend Sign Code to Allow Changing Message Center (Readerboard) Signs, Ordinance 1712-07:

Councilmember Borek moved to approve Ordinance 1712-07, removing the prohibition in MMC 17.50.060.R-W on changing message center signs more often than every 10 seconds. Councilmember Drotz seconded. Motion carried 7-0.

Councilmember Drotz requested that the trees around the sign be groomed.

COUNCIL REPORTS:

Councilmember Beaudry: noticed the new handicap doors in the Council Chambers.

Councilmember Heddlesten: upset that the City lighting a “holiday tree” instead of a “Christmas tree”. Councilmember Heddlesten moved that the City of Milton have a Christmas Tree and a Christmas holiday season. Councilmember Neal seconded. Motion carried 7-0.

Jacquelyn Whalen, 1605 13th Ave., asked if it was appropriate for Council to make motions during Council Reports.

Councilmember Whalen: brought up Zootrek nominations – he nominated Kim Rosco from Fife. Councilmember Beaudry seconded. Motion carried 7-0. Mayor Asay explained what Zootrek is.

Councilmember Neal: agreed with Councilmember Heddlesten regarding the Christmas holiday.

Councilmember Drotz: enjoyed the Christmas Tree lighting and thanked all of those who volunteered and made it such a success.

MAYOR’S REPORT:

Thanked everyone involved with the Christmas Tree Lighting.

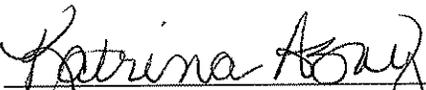
She mentioned that Lloyd’s groundbreaking has been cancelled – they will try to reschedule next year.

The entrance audit is scheduled for 3:00 P.M. and 3:30 P.M. this Thursday – Councilmembers need to let Katie know what time they would like to come in.

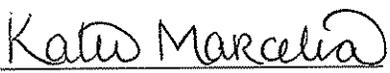
ADJOURNMENT:

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

The meeting was adjourned at 9:11 P.M.


Katrina Asay, Mayor

ATTEST:


Katie Marcelia, Deputy City Clerk