



## CITY COUNCIL

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**Regular Meeting**  
**December 17, 2007**  
**Monday, 7:00 P.M.**

**CALL TO ORDER:** Mayor Asay called the regular scheduled meeting to order at 7:00 P.M. and asked Frank, from the VFW, to lead the Pledge of Allegiance.

**ROLL CALL:** Present were Councilmembers Beaudry, Borek, Drotz, Heddlesten, Sirack and Whalen. Councilmember Neal had asked to be excused.

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

### **ADDITIONS/DELETIONS:**

Councilmember Drotz added Resolution 07-1734; Mayor Asay placed it as the first item on the Main Agenda.

### **CITIZEN PARTICIPATION:**

*Milton Loflin, 1810 11<sup>th</sup> Ave.*, shared some comments regarding possible long term ideas, changes and improvements for the City. His final issue was Administration: there are ways that the City can save the citizens some money. He suggested regional government: schools, dispatch, sewer, library, animal control, and fire service. He believes in regionalizing one city on the hill – cities combining. He suggested that a Council committee be started that matches a committee in Edgewood and share ideas.

Ralph Starr, with the Milton VFW, invited Police Chief Rhoads and Fire Chief Jaques to come forward. He presented them with a donation check, made out to the Police/Fire Guild, for the on-site Police/Fire Department gym. Chief Rhoads shared his appreciation and gratitude for the donation.

*Leonard Sanderson, 1201 24<sup>th</sup> Ave. Ct.*, clarified Mr. Loflin's comments about the school board. He attended the firefighter training ceremony and would like to see the Milton recruits honored in some way. Mayor Asay assured him that they will be.

*Bryan Ott, 102 17<sup>th</sup> Ave. Ct.*, commented on Councilmember Whalen not recusing himself at a recent Public Hearing. He urged that the Mayor and Councilmembers look into the matter of malfeasance.

**CONSENT AGENDA:**

- (A) Minutes: 12-3-07 Regular Meeting & 12-10-07 Study Session
- (B) Payroll: December 5<sup>th</sup> Payroll direct deposits, checks and benefits in the amount of \$222,138.75.
- (C) Checks/Vouchers: numbers 14349 – 14459, in the amount of \$570,339.87.
- (D) 2008 Planning Commission Work Plan
- (E) Set Public Hearing for January 22, 2008: Water Efficiency Rules

Councilmember Whalen pulled the 12-3-07 minutes and the 12-5-07 payroll from the Consent Agenda. He also moved setting the Water Efficiency Rules Public Hearing to the main agenda to allow discussion.

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

**(A) Minutes: December 3, 2007**

Councilmember Whalen asked that verbatim minutes be drafted for the second to last paragraph on page 3. He requested that Mr. Ott's comments be recorded in verbatim.

Councilmember Whalen moved that Mr. Ott's comments, on the bottom of page 3 – during the public hearing, be transcribed verbatim and entered into the minutes.  
Councilmember Heddlesten seconded.

Councilmember Beaudry clarified Councilmember Whalen's request: just Mr. Ott's comment, verbatim, in the record.

Hearing no further discussion, Mayor Asay called for the vote. Motion carried 4-2.  
(Opposed: Borek and Drotz)

**(B) Payroll**

Councilmember Whalen shared that there isn't enough supporting documentation for the payroll.

Councilmember Beaudry moved to approve the payroll. Councilmember Drotz seconded. Motion carried 5-1. (Opposed: Whalen)

**(E) Set Public Hearing: Water Efficiency Rules**

Mayor Asay stated that this is just to set a public hearing to receive citizen comments.

Director Neal shared that, in order to comply with the Department of Health regulations, the public hearing needs to occur at the end of January. Setting the public hearing date and time now will allow sufficient notice to the public as well as getting the information published in the newspaper of record in a timely manner.

Director Neal stated that the Water Efficiency Rules is a mandate of the Department of Health. The public hearing will be to adopt goals that the Department of Health has asked all water providers to put together. All information will be brought to the January 14<sup>th</sup> Study Session.

Councilmember Beaudry moved to set a public hearing on January 22, 2008 to receive citizen comment on Water Efficiency Rules. Councilmember Drotz seconded. Motion carried 6-0.

### **MAIN AGENDA:**

Councilmember Drotz moved to approve Resolution 07-1734, a Resolution for Councilmember Darlyne Sirack, thanking her for her years of service on the Milton City Council. Councilmember Beaudry seconded. Motion carried 6-0.

Mayor Asay presented Councilmember Sirack with a plaque and invited everyone to stay after the meeting for cake.

### **AB07-121B Public Hearing: Release of Easement – Linden Short Plat, *Resolution 07-1735:***

Director Neal shared that the Linden Short Plat is ready for recording. The only item left is to take care of releasing an easement.

Mayor Asay opened the Public Hearing at 7:35 P.M.

Mayor Asay closed the Public Hearing at 7:35 P.M.

Councilmember Beaudry moved to approve Resolution 07-1735, declaring the subject utility easement to be surplus, and authorize the Mayor to sign documents releasing the existing unused utility easement. Councilmember Heddlesten seconded.

Councilmember Drotz thanked Mr. Linden for his patience.

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

### **AB07-119B Public Hearing: 2007 Budget Amendments, *Ordinance 1713-07:*** Director Pierce presented this item to Council. She explained that this basically is housekeeping.

Councilmembers asked clarifying questions regarding the amendments.

Mayor Asay opened the Public Hearing at 7:54 P.M.

*Jacquelyn Whalen, 1605 13<sup>th</sup> Ave.*, asked when the numbers became available.

Mayor Asay closed the Public Hearing at 7:55 P.M.

Councilmember Beaudry moved that Ordinance 1713-07, amending the 2007 Budget, be approved as presented. Councilmember Borek seconded. Motion carried 4-2. (Opposed: Heddlesten and Drotz)

**AB07-117A Amendments to the Milton Comprehensive Plan, Ordinance 1714-07:**  
Director Terrell presented this item to the Council.

Councilmember Whalen asked for clarification on the Fife Schools Capital Facilities Plan.

Councilmembers discussed the amendments and information presented.

Councilmember Borek asked if he could strike the last sentence in Section 1. Director Terrell stated that he could. She said that she would provide an official zoning map, to be voted on by Council, in January.

Councilmember Borek moved to approve Ordinance 1714-07, adopting the 2004 and 2006-07 changes to the Milton Comprehensive Plan and Official Zoning Map. Councilmember Drotz seconded.

*Steve Tomaso, 1709 Milton Way*, asked if Council had a copy of the Fife Schools Capital Facilities Plan. Director Terrell stated that a copy is available in her office.

*Robert MacDonald, 1308 15<sup>th</sup> Ave.*, wanted clarification as to what Mr. Tomaso was talking about.

*Diane Tomaso, 1709 Milton Way*, stated that the Fife Schools Capital Facilities Plan should be on the City's website. Director Terrell shared that it is on the Fife School District's website.

*Leonard Sanderson, 1201 24<sup>th</sup> Ave. Ct.*, clarified that the school district document is for the school district only. It doesn't lock the City into adopting it. He stated that Milton usually adopts the recommended figure.

Director Terrell stated that Mr. Sanderson was making reference to the school impact fee that the City charges for new residential development.

Councilmember Heddlesten asked for clarification on the Fife School District issue that citizens shared comments about.

*Jacquelyn Whalen, 1605 13<sup>th</sup> Ave.*, as a Planning Commissioner, stated that the Planning Commission didn't get to talk about the amendments during all of the 15 meetings mentioned by Director Terrell.

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

**AB07-137 Sole Source Purchase of 15kv Okonite Underground Primary Distribution Cable, Resolution 07-1736:**

Councilmember Borek moved to adopt Resolution 07-1736, waiving the competitive bidding requirements and authorizing the purchase of Okonite cable from Wesco Distributors Inc. for the 2008 budget year. Councilmember Whalen seconded. Motion carried 6-0.

**AB07-138 Temporary Power Rate Change, Resolution 07-1737:**

Councilmember Heddlesten moved to approve Resolution 07-1737, revising the current fee schedule which changes the fee for temporary power to be a minimum of \$25, thereby allowing the City to bill a customer if the use of temporary power exceeds the \$25 value. Councilmember Sirack seconded. Motion carried 6-0.

**AB07-139 Judge Allen's Contract Amendment:**

Mayor Asay handed out the amendment and said that it would be voted on in January.

**COUNCIL REPORTS:**

Councilmember Drotz: thanked Darlyne for her service as a Councilmember.

Councilmember Whalen: asked for a final copy of staff report on Aerie Crest. He mentioned the transportation improvement grant and asked if lighting for the sidewalks has been taken into consideration. He asked if the Readerboard will have more information displayed on it soon.

Councilmember Borek: congratulated Fife girl's soccer team on the state championship. He shared that he likes to see the lights on at the SLMS field.

Councilmember Beaudry: stated that a policy needs to be created addressing what happens when a councilmember does not recuse themselves appropriately from an issue. He thanked Darlyne for her service.

Councilmember Heddlesten: shared that tractor trailer rigs are illegally parked on 27<sup>th</sup> Ave. and Milton Way. He's glad to see working lights on the City's Christmas tree. He thanked Darlyne for her service as a councilmember. He created a computer use policy, which was passed out to the councilmembers. He addressed the issue that occurred at the Aerie Crest Public Hearing, regarding Mr. Ott's comment: During the public hearing on Aerie Crest, the lawyer asked the audience if there was anyone who wished to launch an appearance of fairness question for any of the members of the City Council. Bryan Ott challenged Councilmember Whalen and stated that there was a conflict due to Councilmember Whalen and Planning Commissioner Whalen being husband and wife. Mr. Ott stated that he was gaveled at the Planning Commission public hearing by Commissioner Whalen. Heddlesten requested and listened to the tapes of the Planning Commission meetings for the months of July, August, September, and October. He found that during the August 22<sup>nd</sup> meeting of the Planning Commission, there was a public hearing concerning Aerie Crest and that Mt. Ott did not address or attempt to address the

Planning Commission. Heddlesten shared that, during a later discussion regarding the comprehensive plan at that same meeting, Mr. Ott came to the lectern to comment. While he was doing so, at least one planning commissioner asked for clarification of what he was trying to address. Mr. Ott became irritated and returned to his seat. Commissioner Whalen stated that "all citizens are welcome to approach the podium and address the commissioners." Heddlesten stated that Mr. Ott was invited back to the lectern four times, but refused to comment. Heddlesten doesn't believe that Mr. Ott had any justifiable reason to question Councilmember Whalen under the appearance of fairness doctrine. He also stated that if this type of activity is allowed to go on, any individual or group of individuals, who wanted to influence a vote on any quasi judicial proceeding, would only need to question the appearance of fairness of one or two key councilmembers in order to sway a vote the way that they wanted it to come out. He fully believes that anyone who gives testimony during a judicial hearing is responsible for the testimony they give. And if that testimony is false, as in this case, then they should be held accountable. Because of this, Heddlesten requested that the City Attorney investigate whether or not legal sanctions can be taken; if they can, then the individual should be prosecuted. He also suggested that all persons wishing to speak, in all future public hearings, be sworn in.

Councilmember Sirack: shared what the experience as a councilmember has meant to her. She ended with a wish list that she hopes Council and staff will work on.

**MAYOR'S REPORT:**

- Asked for permission to close City Hall on Friday for about 2 hours for the funeral of an employee's family member.
- Thanked Chris and Nancy Guzek for the donation of a speed limit radar sign.
- Asked Council to think about what items they want to see on the January study session.

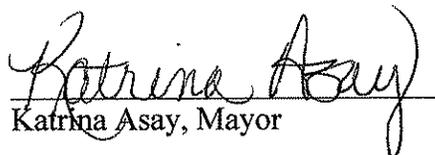
**EXECUTIVE SESSION – UNION NEGOTIATIONS:**

Postponed until the first meeting of January.

**ADJOURNMENT:**

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

The meeting was adjourned at 8:46 P.M.

  
Katrina Asay, Mayor

ATTEST:

  
Katie Marcelia, Deputy City Clerk