



Regular Meeting –via Zoom meeting # 883-1899-0360  
Tuesday, January 18, 2022  
7:00p.m.

**CALL TO ORDER**

Mayor Styron Sherrell called the meeting to order at 7:00p.m. and Councilmember Strader led the flag salute.

**ROLL CALL**

Present: Councilmembers Whitaker, White, Peretti, Ceder, Strader, Linden, and Whalen.  
Absent: None

**STAFF PRESENT**

Police Chief Hernandez, Public Works Director Madden, and City Clerk Summers.

**ADDITIONS/DELETIONS**

None

**CITIZEN COMMENT**

*Susan Johnson, 8<sup>th</sup> Ave-* Concerning the sale of property to WSDOT, would like to see stipulations in place in a sale agreement to prevent issues with transients in the area. Once the sale goes through, will the lower trail be closed off to all? When will the new connector trail to Fife be available to citizens of Milton to use? Lastly, would Council be open to a name change from Pro Tem to Deputy Mayor and would they also be open to address the procedures in which and appointment to the position is made? Written comments were submitted to the Clerk.

*Richard Cosner, 7<sup>th</sup> Ave-* Written comments were submitted to the Clerk on January 12<sup>th</sup> to be forwarded to Council for this meeting. Comments regarding the WSDOT property acquisition for Hwy 167, WSDOT temporary easement and Code changes pertaining to Title 17 were discussed.

**CONSENT AGENDA**

**A. Check Approval Process**

- a. Minutes Approval:
  - i. January 3, 2022, Regular Meeting
  - ii. January 10, 2022, Study Session
- b. Claims Approval:
  - i. Approval of the checks/vouchers/disbursements numbered 69609 to 69648 in the amount of \$447,301.88 for 2021.
  - ii. Approval of the payroll disbursement of December 20, 2021, in the amount of \$48,647.29.

- iii. Approval of the payroll disbursement for January 5, 2022, in the amount of \$209,046.65.

**MOTION** (Peretti/Whalen) "to approve the Consent Agenda." **Passed 7/0.**

## **REGULAR AGENDA**

### **A. Approval of Resolution 22-1949 Fee Schedule Update**

Mayor Styron Sherrell presented this item to Council. The City's interlocal agreement with East Pierce Fire & Rescue for fire prevention, investigation and other services provides that the fire fees will be adjusted annually by the rate of inflation based on the CPI. The CPI from last June reported by the US Bureau of Labor Statistics increased by 5.5%. The fire fees will be amended on the fee scheduled based on this amount.

Council asked why we don't raise the fees on the entire fee schedule based on CPI each year.

**MOTION** (Ceder/Linden) "move to adopt Resolution 22-1949, the updated Fee Schedule as presented." **Passed 7/0**

### **B. Approval of Resolution 22-1950 Surplus Vehicles**

Mayor Styron Sherrell presented this item to Council. The city has several vehicles that are at the end of their useful lives. The continued cost of repairs and maintenance exceeds the value of these vehicles. The vehicles will be disposed of through sale or auction.

Council inquired whether the vehicles are already replaced and that this is a normal housekeeping item.

**MOTION** (Ceder/Whitaker) "move to approve Resolution 22-1950, declaring multiple Public Works vehicles to be surplus to the City's needs and authorizing their disposal." **Passed 7/0**

### **C. Approval of Hearing Examiner Contract**

Mayor Styron Sherrell presented this item to Council. The city's long time hearing examiner retired last month. The city sent out request for proposals and received only one back. The response was from the City of Seattle through its Office of Hearing Examiner. Deputy Examiner Drummond is the hearing examiner assigned to provide the agreement services to the City of Milton.

Council asked why we didn't receive more responses.

**MOTION** (Whalen/Peretti) "move to approve the attached hearing examiner's contract with the City of Seattle through December 31, 2023 and authorize the Mayor to execute the same."

### **D. Approval of Sole Source Request - Okonite**

Public Works Director Madden presented this item to Council. The sole source request is for the purchase of Okonite 15kV primary distribution cable. The cable is needed to replace aging and failing segments of underground insulated cable that delivers power throughout the City's power grid. The item has been budgeted for in the 2022 electric capital improvement fund.

Council had questions regarding the product and why it was sole sourced but were generally comfortable and supportive of the purchase.

**MOTION** (Linden/Whalen) “move to approve the request for sole source purchase of Okonite 15kV underground primary distribution cable in an amount not to exceed \$100,000.”

**Passed 7/0**

## **COUNCIL REPORTS**

### Councilmember Whitaker-

- Was nice to see sweeper out cleaning up roads after the storm!

### Councilmember White-

- Nothing to add.

### Councilmember Peretti-

- Nothing to add.

### Councilmember Ceder-

- Received an email about Oak regarding drop off, it's terrifying.

### Councilmember Strader-

- Nothing to add.

### Councilmember Linden-

- Spoke with Congressman Kilmer about speed reduction on Hwy 99. He is open to coming to Council to brief.
- Things have never been worse in the hospitals regarding Covid. Be safe!

### Councilmember Whalen-

- Safeway has repaired their pothole.
- Surprise Lake School pick up and drop off issues are terrible. Would like to see something safer and better for neighborhood congestion be done about this.
- Reader boards are up and running and very nice!

## **DIRECTOR REPORTS**

### Police Chief Hernandez-

- New Officer Jacob Zimmer is in field training right now. Welcome to him!
- Working on creating a Sergeants exam.
- We have a new officer coming through right now, it's another Seattle officer.
- Catalytic converters are still being stolen. See something, say something.
- Police volunteers and Councilmember Peretti helped with a clean up and recliner donation for an elderly resident recently. Thank you for your help.

### Public Works Director Madden-

- Public Works had a new employee start today. Welcome to Adam Vass.
- The damaged guardrail has been replaced and is now safe.
- A de-icing map has been developed to target hills and critical areas.

## **MAYOR'S REPORT**


- Attended the first SSHAP meeting of the year and we went over the bylaws and approved legislative priority.
- Attended the first SCA meeting and had orientation. I will forward the agenda to Council.
- Working on camera projects such as at the skatepark, ballpark and fields.

- The Frying Dutchman lost their space and will be coming to City Hall on Tuesdays.

**ADJOURNMENT**

The meeting was adjourned at 8:13 p.m.

  
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Shanna Styron Sherrell, Mayor

ATTEST:   
\_\_\_\_\_  
City Clerk

Comments City Council  
January 18, 2022

1. I recently sent an email to mayor and city council. Thank you, Mayor for responding to me. I asked the following:

I understand the City has no choice but to go through with the sale since WSDOT will do eminent domain if the City does not sell. My questions

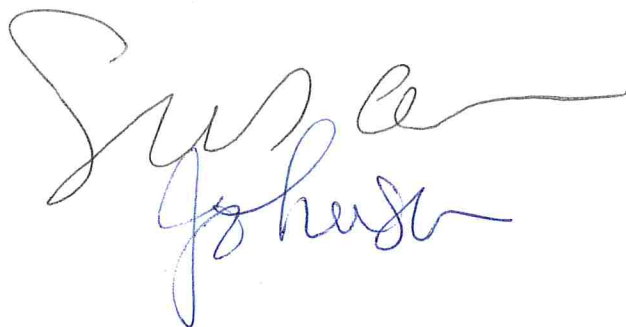
- A) Is there a way for the City to include any wording in the sales paper that would require WSDOT to be responsible for any costs associated with potential transients moving into that area as we have seen in other areas near us in Fife on WSDOT property AND be responsible for keeping transients out of that area.

If transients move into that area, there is a greater potential for movement in the remaining interurban trail area. And a greater risk of a higher cost to our police department budget as our police maintain the safety of our city.

We see in the news many areas where WSDOT owns property that the areas become a target for those less fortunate than many of us. Sadly, criminal elements also seem to take advantage of these areas.

- B) Also, once the sale goes through, will the lower trail be closed off from all access, including citizens of Milton who have used the trail. And when will the new connector to the Fife trail be available to Citizens of Milton?

2. I wonder if the council would be agreeable to investigating a name change from Mayor Pro Tem to Deputy Mayor. And to also address the council procedure on the appointment of the position by council. To me, if a person serves on council for a year or more and then is elected or re-elected to that council position, the person should be eligible for nomination and a vote on the mayor pro tem position.



Prepared by Susan JF Johnson  
Jan 11, 2022

**Examples of Mayor-Council Cities Only:  
Mayor Pro Tempore, Deputy Mayor, President**

**Deputy Mayor Cities**

Bonny Lake  
Edgewood  
Federal Way  
Fife  
Orting  
Port Orchard (also uses an alternate deputy mayor)

**Mayor Pro Tempore**

Anacortes  
Wenatchee  
Sumner  
Oak Harbor  
Pacific  
Tumwater

**President**

Spokane – Mayor and President of Council  
Redmond – also vice president  
Renton – Mayor and President  
Tukwila – Mayor and Council appoints President for one year

RCW 351.13.035 – Mayor Pro Tempore or Deputy Mayor

RCW 35A.13.020- Election of members: Mayor Pro Tempore or Deputy Mayor

RCW 35A.12.065 – designate Mayor Pro Tempore or Deputy Mayor

## Trisha Summers

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**From:** Richard Cosner <richard.cosner@comcast.net>  
**Sent:** Wednesday, January 12, 2022 5:37 PM  
**To:** Trisha Summers  
**Subject:** 18 Jan 2022 Council Meeting

[EXTERNAL MAIL] DO NOT CLICK links or open attachments unless you recognize the sender and know the content is safe

Please include comments for the Tuesday Meeting.

Thank you

Mayor and Council,

Thank you for allowing me to comment as I am not able to attend tonight due to work but would like to convey some thoughts regarding topics discussed at Council and for the Public Hearing.

**For the WSDOT Property Acquisition for HWY 167.** I would like to ask that the City make it contingent on controlling homeless issues that may arise in the area and provide reasonable assurances that any nuisances will be immediately remedied. This is in consideration of the Homeless Camps currently on WSDOT Hwy 167/509 Properties in Fife that are creating a public health hazard and community issues from ongoing encampments. The encampments present a clear hazard to the community and natural resources that we are working to protect. Yet human waste/hazardous materials are allowed to run off and debris from the encampments to permeate the ground water and Hylebos Creek area (a protected waterway).

In addition, I ask that the City make it contingent upon, creating a Traffic Safety Corridor on Hwy 99 from King Co. to 70<sup>th</sup> Ave., mitigate heavy traffic that will be created from the Hwy 167/509 projects, and provide traffic calming remedies (to include reducing the speed limit to 35 mph from King Co. to 70<sup>th</sup> Ave) to reduce accidents and fatalities throughout the area. Obviously, Federal Way has more pull with WSDOT to create remedies for issues on their portion of Hwy 99 as we have seen with the placement of the traffic barriers and the creation of no parking zones along Hwy 99. I would even approve waving the payment (they would still pay any fees associated with the acquisition) if they agreed to conditions throughout the entirety of the Hwy 167/509 projects. Of note, assume that the ST3 Project will also be needing Right of Way and acquisition as well so that is important for future consideration. I would also ask that City Planning consider these topics for any SEPA or CUP related to any of these projects (HWY167/509 and ST3).

If they are not willing to consider the conditions, I would advise them to proceed with the Imminent Domain threat as that will cost them far more in legal fees and time to file the action with the courts and they could still potentially pay the value of the property depending on the decision of the court. I would also file a discrimination complaint with the State Attorney General's Office against WSDOT for favoring Federal Way's Hwy 99 issues over Milton's Hwy 99 issues as it deprives Milton Citizens and businesses the same rights of safety on Hwy 99 as proven in traffic accident/fatality data between King Co. and 70<sup>th</sup> Ave compared to the Federal Way portion of Hwy 99 from So. 356<sup>th</sup> St. to Pierce Co.

**For the WSDOT Temporary Easement.** I would ask for the the same contingencies, and again, possibly waive the payment if agreed upon.

**For the Code Changes pertaining to Title 17.** I am in favor of the changes as recommended. As discussed at the meetings the commission wanted to be fair and impartial to what was happening. The IBC provides guidance on the

topic, and the commission looked at many other cities as well. The changes were fair and equitable with condition that if they wanted less they could provide a traffic/parking study to support their claim and would still be required to abide by any SEPA or CUP. As to the differences between a Regional and a Local Church, although the local church is intended for ride sharing, walking, bike riding, and other local means of transportation (the commission considered that), today most people choose to drive their vehicle to and from most areas of Milton as seen in our parks and other venues. The commission also had public comment regarding the issues and considered their comments. There was discussion on seat vs square footage. The commission couldn't assess a parking value based on a total square footage as that would be unfair, so the seats were the focus. A church has common areas, stages, storage, and other areas that do not seat anyone so including that figure is not a realistic value. However, the number of seats designed for an area of worship or seating area was needed so adding the seat definition to the code was the missing part of the process to determine parking requirements as seen in the IBC.

Comments regarding Schools, staff recommended changes as noted between private and public. The code also notes the lesser value for parking at Elementary, compared to Secondary Schools. Even so, citizens continually complain of issues at our local schools daily and at events with traffic concerns that should have been mitigated during their SEPA processes. What can the City do to mitigate those issues? Go back to the SEPAs and enforce those requirements and maybe look at the process for handling increased traffic during drop off/pickup times and events for schools during the SEPA/CUP processes. I presume we are already too late to review SEPAs and CUPs for the schools being improved and constructed now!

Thank you for your time and the opportunity to share citizen comments.

Respectfully,

Richard Cosner  
Milton, WA