

**CITY COUNCIL
BUSINESS MEETING MINUTES
December 4, 2012**

The Business Meeting of the Monroe City Council was held on December 4, 2012, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:00 p.m.

Councilpersons present: Goering, Cudaback, Williams, Kamp, Davis, Gamble, and Hanford.

Staff present: Brazel, Feilberg, Warthan, Nelson, Farrell, Quenzer, Sax, Popelka, and Martinson.

City Attorney Zach Lell was also present.

The meeting was opened with the Pledge of Allegiance.

ANNOUNCEMENTS & PRESENTATIONS

1. Confirm Mayor's Appointment of Brandon Harano/Student Representative

Mayor Zimmerman requested that confirmation of his appointment of the student representative be added to the agenda. He introduced Brandon Harano, the applicant for the position.

Councilperson Kamp stated that he felt that Brandon was an excellent candidate for the student representative position.

Brandon stated that he wants to ensure that all students' opinions are heard. He is confident that he can keep up with the Council discussions.

The motion was made by Councilperson Kamp and seconded by Councilperson Hanford, to accept the Mayor's appointment of Brandon Harano as City of Monroe Student Representative. On vote,

Motion carried 7/0.

Mayor Zimmerman noted the letter from *AWC Center for Quality Communities* offering a scholarship opportunity and suggested Brandon review it. He will meet with Brandon to determine the best way to get the word out on the opportunity to Monroe High School Students.

COMMENTS FROM CITIZENS

James Duvall, 2216 112th Drive SE, Lake Stevens, WA, addressed Council and requested that they make medical marijuana legal in Monroe.

Erin Angus-Snapka, 421 S. Lewis Street, Monroe, is supporting the School District and not wanting the fees to be discounted further.

Jim Scott, 20227 80th Avenue SE, Snohomish, reiterated the School District's opposition to discounting the developer fees further.

Katy Woods, 17621 158th Pl SE, Monroe, reiterated her previous comments and asked Council to keep the school mitigation fees the same.

Evan Westcott, Bellevue, WA, owns a site on Blueberry Lane for a project of 130 units; he would like to see school impact fees discounted further.

CONSENT AGENDA

- 1. Minutes**
 - A. November 20, 2012 Business Meeting**
- 2. Accounts Payable & Payroll**
 - A. Bills: Checks #83056 – #83097, in the amount of \$569,734.94.**
- 3. Policy Regarding Removal of Personal Property from City Property or Easements**
- 4. Release Retainage/Woods Creek Water Main Relocation**

The motion was made by Councilperson Williams and seconded by Councilperson Hanford, to approve the Consent Agenda. On vote,

Motion carried 7/0.

NEW BUSINESS

- 1. Amend Attorney Services Fees**

City Administrator Brazel gave a brief overview explaining that Ogden Murphy Wallace (OMW) opted to hold their rate back in the past for the City, due to the economy. They are asking for an increase now.

This item will come back next week for final action, if Council wishes to move forward. The existing contract has some old verbiage and should be updated, too.

City Attorney Lell explained the rate increase and would be amenable to a multi-year agreement.

Staff will look at the work that has been done, to determine which rate structure would be most advantageous to the City.

FINAL ACTION

- 1. Ordinance Amending 2012 Budget/1st Reading**

Finance Director Nelson gave a brief overview explaining that an amendment is required to bring the City into compliance with 2012 Budget.

The motion was made by Councilperson Goering and seconded by Councilperson Kamp, to accept as first reading the ordinance amending the Budget for Fiscal Year 2012 to account for new revenues and expenditures.

After comments and questions, the motion was on the floor to accept the ordinance as first reading. On vote,

Motion carried 7/0.

2. CPA2013-D School Mitigation Fees:

A. Ordinance Amending the Comp Plan (Capital Facilities Element)

B. Ordinance Amending MMC Chapter 20.07 (School Impact Mitigation Fee Program)

Planning & Permit Manager Popelka gave an overview explaining the proposed action on School mitigation fees. The purpose is also to remove regulatory language from the Comprehensive Plan. This could be first reading, instead of final reading tonight, to tie into the budget, which has final reading next week.

After Council discussion, it was determined that they would change the action for tonight. Council would prefer looking at all fees, not just the school mitigation fees.

The motion was made by Councilperson Goering and seconded by Councilperson Williams, to accept as first reading Ordinance #022/2012 regarding Comprehensive Plan Amendment CPA2013-D amending the Capital Facilities Element of the City of Monroe Comprehensive Plan as proposed based on the Findings and Conclusions as shown in Exhibit B.

After further comments and discussion, the motion was on the floor for first reading of the ordinance. On vote,

Motion carried 5/2.

Councilpersons Cudaback and Hanford were opposed.

The motion was made by Councilperson Goering and seconded by Councilperson Williams, to accept as first reading Ordinance #023/2012 regarding ZCA2012-09 amending MMC 20.07 as proposed based on the Findings and Conclusions as shown in Exhibit B, changing 20.07.100 Impact Fee Schedule to the previous numbers, staying at the 25% rate.

After additional questions and comments, the motion was on the floor to accept the ordinance as first reading. On vote,

Motion carried 7/0.

FINAL ACTION #3 (Medical Cannabis) DISCUSSION/ACTION OCCURRED AFTER EXECUTIVE SESSION.

EXECUTIVE SESSION

1. Executive Session: Potential Litigation.

Mayor Zimmerman explained that there was a need to go into an executive session for the purposes of discussing potential litigation with legal Council pursuant to RCW 42.30.110(i), as read into the record by City Attorney Lell. The executive will last approximately 20 minutes, after which Council may take action in open session.

MEETING RECESSED INTO EXECUTIVE SESSION: 8:16 p.m.
EXECUTIVE SESSION WAS EXTENDED
MEETING RECONVENED INTO REGULAR SESSION: 8:38 p.m.

See Final Action #3 for action from the executive session.

FINAL ACTION #3

3. Medical Cannabis Discussion

Public Works Director Feilberg gave a brief introduction explaining the background on this item.

The motion was made by Councilperson Goering and seconded by Councilperson Kamp to waive the rules and add Ordinance 026/2012 to the agenda, and waive the rules for second reading. On vote,

Motion Carried 7/0.

The motion was made by Councilperson Goering and seconded by Councilperson Hanford to approve Ordinance # 026/2012 as first and final reading, "AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, ADOPTING INTERIM ZONING REGULATIONS PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; ADOPTING A NEW CHAPTER 18.70 MMC MARIJUANA RELATED USES; PROHIBITING MEDICAL CANNABIS COLLECTIVE GARDENS IN ALL ZONING DISTRICTS OF THE CITY; PERMITTING THE PRODUCTION, PROCESSING AND/OR RETAILING OF MARIJUANA AS REGULATED PURSUANT TO WASHINGTON STATE INITIATIVE NO. 502 IN DESIGNATED ZONING DISTRICTS, AND ONLY AT FACILITIES THAT HAVE OBTAINED A VALID LICENSE ISSUED BY THE WASHINGTON STATE LIQUOR CONTROL BOARD; REPEALING ORDINANCE NOS. 032/2011 AND 012/2012; DIRECTING THE CITY CLERK TO SET A PUBLIC HEARING DATE; ENTERING PRELIMINARY LEGISLATIVE FINDINGS; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE." As read into the record by City Attorney Lell. On vote,

Motion carried 7/0.

COUNCILMEMBER REPORTS

Councilperson Goering reported on the *Light up Monroe* event and the fun he and his family had.

Mayor Zimmerman reported that the City of Monroe will share the responsibility of representation at the Snohomish Health District Board meetings with the City of Snohomish, Sultan, Gold Bar and Index. Councilperson Cudaback does not wish to be the representative next year.

Mayor Zimmerman thanked Councilperson Cudaback for her representation of Monroe.

Councilperson Kamp also enjoyed the *Light Up Monroe* event, as did Councilperson Davis.

Councilperson Gamble would like to have Council reiterate through a proclamation their support of the Paine Field expansion to include commercial flights. Councilperson Goering agreed.

Mayor Zimmerman suggested a resolution, rather than a proclamation. This item will come back to Council for approval at a later date.

Councilperson Hanford reported that family illness prevented his attendance at the *Light Up Monroe* event.

Student Representative Harano Brandon informed Council that the process to get info from Council to students is in the works. They will use their monthly newsletter as the method to get information out. He also reported on a proposed project to paint the walls and poles at the high school in Bearcat colors. They will work with local businesses for donations.

Mayor Zimmerman supports the idea and suggested that they partner with the Parks Department. A resolution of support will be brought to Council at a Study Session.

MAYOR/ADMINISTRATIVE STAFF REPORTS

Economic Development Manager Sax reported that the Galaxy Theatre property sale closed and that the blocks will be removed soon. The proceeds have already been placed in the designated funds.

Mayor Zimmerman commented on actions that are the result of Council looking at things differently, including Natural Factor's progress moving forward on the transformation of the building site.

Chief Quenzer reported on the bake sale that raised over \$800 for Chaplain Hanford's medical costs.

Public Works Director Feilberg reported that the cold weather shelter would be open this weekend. They also received a grant for \$352,000 for reworking the Fryelands Blvd.

Mayor Zimmerman also enjoyed the *Light up Monroe* event.

1. Draft Agenda/December 11, 2012

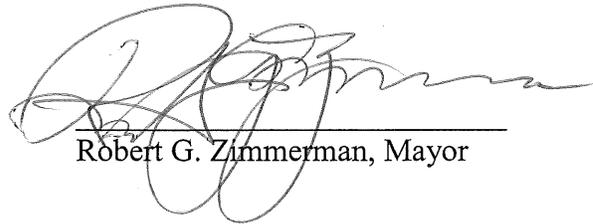
City Administrator Brazel presented the draft agenda for December 11, 2012.

ADJOURNMENT

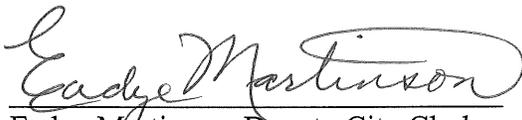
There being no further business, the motion was made by Goering and seconded by Hanford to adjourn the meeting. On vote,

Motion carried 7/0.

MEETING ADJOURNED: 9:06 p.m.



Robert G. Zimmerman, Mayor



Eadye Martinson, Deputy City Clerk