

**CITY COUNCIL  
BUSINESS MEETING MINUTES  
January 18, 2011**

The Business Meeting of the Monroe City Council was held on January 18, 2011, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:04 p.m.

Councilpersons present: Balk, Rodriguez, Cudaback, Tuttle, Williams, Stima, and Goering.

Staff present: Brazel, Feilberg, Quenzer, Harris, Smith, Nelson, Roberts, Swanson, Farrell, Whalen, and Martinson.

City Attorney Zach Lell was also present.

The meeting was opened with the Pledge of Allegiance.

Mayor Zimmerman explained that the Allied Waste presentation would be later tonight, as a presenter has been delayed due to traffic.

**PUBLIC HEARINGS**

**Surplus Woods Creek Road Property (Sykes Farm) A. Public Hearing; B. Adopt Resolution Surplusing the Sykes Farm Property and Easement**

Mayor Zimmerman explained that the public hearing item was pulled at the advice of City Attorney Lell and would come back at a later date.

Mayor Zimmerman proposed moving the Consent Agenda ahead of Citizen Comments, in hopes that the Allied Waste presenter would arrive soon.

**CONSENT AGENDA**

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

Motion carried 7/0.

Items approved: 1A) November 9, 2010 Study Session Minutes; 2) Bills (Vouchers #078504 – 0778505 and #078508 – 0778604 in the amount of \$417,783.34 (December 2010) and #078506 – 0778507 and #078605 – 0778664 in the amount of 322,804.14; 3) Authorize Mayor to Sign Consultant Agreement for On Call Land Surveying Services; 4) Authorize Mayor to Sign 2011 Concessionaire Agreement.

**COMMENTS FROM CITIZENS**

Mayor Zimmerman stated that Citizen Comments will be broken into, to allow time for the Allied Waste presentation, when the other participant arrives.

Mayor Zimmerman explained that Council is aware of many concerns of citizens, but asked if they would share ideas of alternatives pertaining to the land deal in North Kelsey.

Any questions the speakers want Council to respond to, staff will provide responses to the addresses listed.

Murray Bartholomew, 322 Sumac Drive, Monroe, has lived in Monroe many years and likes the small town environment. If the property goes to Walmart, he feels that the money will be siphoned out of Monroe. He is concerned of the long-term effects and wants to see Walmart on the ballot, to give citizens a choice.

Mayor Zimmerman stated that City Attorney will research whether a land use deal falls under the referendum process.

Rosie Tatel, 14969 174<sup>th</sup> Ave SE, Monroe, had asked what people would want instead of Walmart. Suggestions included a bowling alley and setting aside land for new a city hall. She submitted an article that could help with marketing, such as when people come to the Fair. People will watch for who votes for Walmart and vote them out.

Shannon Stowell, 205 N. Madison Street, Monroe, agrees with the previous two speakers. Walmart takes profits out of Monroe, and their employees are below poverty level. He submitted a letter to be put in the record, containing comments from his father and what Walmart did in Colorado. He asked Council whether they had attempted every last measure to bring something else into Monroe. He is opposed to a Monroe in Walmart.

Rosie Tatel, added that people suggested something for children's activities, such as museum.

Deborah Chase, 18232 299<sup>th</sup> Avenue SE, Monroe, commented on traffic mitigation information in the Herald comparing Monroe to Pullman. Pullman's Walmart is on the peripheral of that town. She asked that Council please consider that and take a close look at what Walmart submits regarding traffic analysis. Anything less than 8500 vehicles per day, may not be correct. Hire a commercial broker and see what they could bring into the City. There is opportunity to create something special.

Carl Webster, 13015 Ingraham Road, Monroe, doesn't support Walmart. He asked that Council look at the site plan and limit the size of the tire or grocery portion of the store. Walmart allows RVs to park in their lot every night. Tell them that the City won't allow that.

Cheryl Smith, 15218 182nd Avenue SE, Monroe, Council has been hearing why they don't want Walmart here. They are going to keep talking about traffic and crime. She is concerned that the North Kelsey Plan has been altered, due to the economy and that Highway 2 is considered a "high accident area". Once you let Walmart in, there is no going back. Reject the current site plan and let citizens help find a solution.

Stashka Lepera, 13001 Ingraham Road, Monroe, stated that the Mayor had asked for solutions, and she is working with a group that would like to do that. They are compiling a list of realistic alternatives for uses on that lot and will present the information in a week or two.

The Allied Waste presenter arrived, and it was determined that they would reschedule the presentation for another date.

George Lester Ward, 1603 E. Lakes Stevens Drive #15, Lake Stevens, is concerned about Walmart in Monroe. Walmart is one great big box to distribute Chinese goods. Our factories have moved to China. One more Walmart is just one more store used to deliver Chinese goods.

Mayor Zimmerman thanked the citizens and will try to get responses to questions back out to them and assured them that their concerns and statements were heard.

MEETING RECESSED FOR TWO MINUTES: 7:40 p.m.  
RECESS WAS EXTENDED  
MEETING RECONVENED INTO REGULAR SESSION: 7:46 p.m.

### **NEW BUSINESS**

#### **Introduction to Calhoun Road Annexation (AN2010-02)**

Assistant Planner Swanson gave an introduction to the proposed Calhoun Road Annexation, explaining that this will mirror the presentation planner Wright gave last week. This was an orphan parcel that wasn't included in other annexations. The area in question is approximately three acres, with three dwellings, and an estimated population of 8.7 persons. The 2011 valuation for the area is \$753,800. There is one owner against annexation. Utilities and services are available. Sewer service is via a STEP (Septic Tank Effluent Pumping) system.

The Revised Code of Washington (RCW 25.13.182) allows the Island Annexation Method when there is an unincorporated area containing less than one hundred acres and at least 80 percent of the boundaries of such area contiguous to a city or town. RCW 36.93.110 provides that the Boundary Review Board may waive review, when an area proposed for annexation is less than ten acres and less than \$2,000,000 in assessed valuation.

Planner Swanson showed the Critical Areas map and explained that the buffer is reduced to 10 feet. The majority of parcels have houses; there is not a big development potential. He explained that, after the Boundary Review Board, there are two more hearings; one is set for February 1<sup>st</sup>.

No motion made at this time.

#### **Ordinance Amending Chapter 8.04 Monroe Municipal Code/Relating to Animal Control**

Police Chief Quenzer gave a brief overview of the proposed ordinance, explaining the changes that were made to the Animal Control Ordinance at the request of Council in 2009, including tethering regulations, adding a leash law, and several other amendments. Since then, they have had many investigations that involved dangerous and/or neglected dogs, in which it was discovered that there are areas of the MMC that could be improved, including a time frame to complete obedience training for potentially dangerous and/or dangerous dogs and several other amendments.

After discussion, Council's consensus was to move forward with City Attorney Lell researching state law specific to animal cruelty.

After further discussion, the motion was made by Councilperson Balk and seconded by Councilperson Williams, to adopt Ordinance #002/2011, an ordinance of the City of Monroe, Washington, relating to animal control; amending Chapter 8.04 of the Monroe Municipal Code, providing for severability, establishing fees, and fixing a time when the same shall become effective. On vote,

Motion carried 7/0.

### **FINAL ACTION**

#### **Ordinance Amending Fence Code (ZCA2010-03)/1st & Final Reading**

Assistant Planner Swanson gave a brief overview explaining that the interim ordinance amending the fence code was originally brought by Operations Director Feilberg, and then went to the Planning Commission for further review. It was limited to fence and hedge height and the suggested change in variance language. The Planning Commission agreed with Council on fence height and removing the language limiting hedge height. Citizen testimony indicated that the problem was with the slope of his land, not the fence height. The variance language was outdated and limited what the Director could allow when granting a variance.

The motion was made by Councilperson Goering and seconded by Councilperson Rodriguez, to adopt Ordinance #003/2011 approving ZCA2010-03 amendment to Chapter 15.08 Fences, Walls and Hedges. The full title was read into the record by City Attorney Lell: *An ordinance of the City of Monroe, Washington, adopting an ordinance amending Chapter 15.08 MMC (ZCA2010-03) to revise the fence code height restriction for residential lots one acre or larger, and revise variance criteria for consistency with Monroe Municipal Code.* On vote,

Motion carried 7/0.

#### **Appoint Representative to the Snohomish County Department of Emergency Management Advisory Board**

Operations Director Feilberg gave a brief overview explaining that, since the City has joined up again with the Department of Emergency management (DEM), the City can now have a person on their advisory board.

The motion was made by Councilperson Balk and seconded by Councilperson Cudaback, to appoint Operation Director Feilberg as the City's representative to the Snohomish County Department of Emergency Management Advisory Board. On vote,

Motion carried 7/0.

### **MAYOR/COUNCIL/ADMINISTRATIVE STAFF REPORTS**

Councilperson Balk reported that the Finance Committee met tonight and set their agenda. Their next meeting will be the following Tuesday at 3:30 p.m.

Councilperson Stima commended staff on snow removal last week; they did a great job.

Councilperson Williams stated that he will be out of town on business February 1, 2011.

**Draft Agenda/February 1, 2011 Business Meeting**

City Administrator Brazel presented the draft agenda for February 1, 2011.

Consent Agenda #3 (Ordinance Amending Term Limits and Residency Requirements for the Monroe Parks Board and Planning Commission) will be moved to New Business.

Red light cameras would be discussed in executive session later in the meeting.

DREAM and the Monroe Chamber of Commerce prefer to have their own meeting with Council on February 22<sup>nd</sup>, to allow enough time for discussion. The meeting date was not changed at this time.

There was a question about the display in Lovers Boutique, to which City Attorney Lell will have an answer next week.

**Executive Session Related to Potential Litigation42301101I**

City Attorney Lell explained that the purpose of the executive session was for discussing a legal risk and potential litigation with legal Counsel, pursuant to RCW 42.30.110(1)(i), for approximately 15 minutes. No action in open session is anticipated when Council reconvenes.

MEETING RECESSED INTO EXECUTIVE SESSION: 8:34 p.m.  
EXECUTIVE SESSION WAS EXTENDED  
MEETING RECONVENED INTO REGULAR SESSION: 8:59 p.m.

Mayor Zimmerman stated that they will be recommending a public hearing on the matter discussed in executive session.

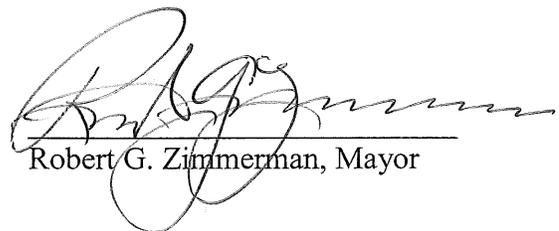
After clarification from City Attorney Lell, Councilperson Balk stated that he wanted Councilmembers to realize that Council only speaks when there is a vote or a clear consensus.

There being no further business, the motion was made by Councilperson Stima and seconded by Councilperson Williams, to adjourn the meeting. On vote,

Motion carried 7/0.

MEETING ADJOURNED: 9:01 p.m.

  
Eadye Martinson, Deputy City Clerk

  
Robert G. Zimmerman, Mayor