

**CITY COUNCIL**  
**BUSINESS/STUDY SESSION MINUTES**  
**April 12, 2011**

The Business/Study Session of the Monroe City Council was held on April 12, 2011, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:00 p.m.

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

Staff present: Brazel, Feilberg, Quenzer, Smith, Farrell, and Martinson.

City Attorney Zach Lell was not present.

City Attorney Dave Ellenhorn was present for the North Kelsey Development Agreement.

The meeting was opened with the Pledge of Allegiance.

**COMMENTS FROM CITIZENS**

Mayor Zimmerman explained that citizens could not comment on Final Action items #1A and #1B. Dave Ellenhorn explained that there should be no comments taken regarding this subject and no other ex parte communication until the reconsideration period is completed in 10 days.

Diane Elliott, 15550 174<sup>th</sup> Ave. SE, Monroe, began addressing Council, when Mayor Zimmerman stopped her and stated that she had information in the packet she had handed out that addressed the current project. He asked her to bring it back to another meeting. Attorney Ellenhorn explained that there would be other opportunities to address this topic, especially pertaining to the tire store.

Rosie Tatel, 14969 174<sup>th</sup> Avenue SE, Monroe, addressed Council about making it safer for her to bicycle from the Fryelands to North Kelsey. The Department of Transportation (DOT) will improve from Kelsey to the Feed Store, but not to 179<sup>th</sup>. She suggested that the gates be unlocked for pedestrians.

Councilperson Balk explained that such changes are part of Transportation Plan.

Vickie Mullen, 10312 210<sup>th</sup> Street SE, Snohomish WA, stated that agenda items need to be more specific; i.e., she didn't know where the Bridgestone Tire Store was going in at North Kelsey. She's not sure it's pedestrian friendly. She had sent an e-mail saying that's it's important to uphold the North Kelsey plan. She is against a tire store if it was built in the middle of the North Kelsey area.

David Sinclair, 13393 Forest View Avenue SE, stated that there are four major and two minor tire stores throughout the city. There is nothing for kids to do. He questioned why Council would put in a tire store in the middle of a pedestrian-friendly area. They are

asking Council to show them a plan, instead of filling gaps with things citizens don't need.

## **BUSINESS & ACTION ITEMS**

### **ANNOUNCEMENTS & PRESENTATIONS**

#### **Annual Report/Snohomish County Tourism Bureau (Amy Spain)**

Amy Spain, Snohomish County Tourism Bureau, presented their Annual Report. Tourism is economic development. She stated that the State tourism office will be closed in July, which will make Washington the only state without a tourism office. She explained that the industry responded by forming the *Washington Tourism Alliance* (WTA). She asked Council to support and advocate for economic development. She explained the impact of tourism and travel to the local economy and why tourism matters.

Ms. Spain gave a brief overview of the Tourism Promotion Area, which has now been approved by all Cities involved. She explained the Tourism Bureau's efforts with tourism development, including web site links to businesses, a new guide for aviation attractions, and public relations and social media campaigns in 2010. She reported on their Visitor Services program and Visitor Information Centers, where they have the largest volunteer staff in the state. They also have a community relations program to help communities with tourism, such as how to set up a Face Book account for their business, hotel recovery, and local marketing. She concluded by summarizing their activities and accomplishments.

Mayor Zimmerman explained that there was a need for a brief executive session for approximately 10 minutes. Attorney Ellenhorn stated that council would convene in executive session pursuant to RCW 42.30.110(i), for the purpose of discussion potential litigation with legal counsel. Action will take place in open session.

MEETING RECESSED INTO EXECUTIVE SESSION: 7:43 p.m.  
MEETING RECONVENED INTO REGULAR SESSION: 7:57 p.m.

### **FINAL ACTION**

#### **Development Agreement/North Kelsey (North): A. Resolution Approving Development Agreement Including Associated Binding Site Plan and Grading Permit Applications with North Kelsey LLC for N. Kelsey (North); B. Authorize Mayor to Sign Development Agreement with North Kelsey LLC for North Kelsey (North)**

Attorney Dave Ellenhorn stated that, as explained previously, it is necessary to comply with the *Appearance of Fairness Doctrine*. He asked if there were any change to the Council's responses since the last meeting with regard to personal, financial, familial, or business interest in the property or the underlying project itself. All Councilmembers indicated that there was no change. He asked if any Councilmember had received any substantive communication since March 29, 2011. Councilperson Balk explained that he had questions from a citizen; but didn't comment to that person. Attorney Ellenhorn also confirmed that no Councilmembers received e-mails pertaining to the project and that they could all perform their duties in a fair and unbiased manner. He explained that Council will be in quasi-judicial mode for the next 10 days. It will require a simple majority vote to pass the resolution.

Attorney Ellenhorn then gave a brief overview of the resolution and explained that the Development Agreement is subject to the approval of Council. On March 29<sup>th</sup>, Council approved the Development Agreement contingent upon several changes, which have now been incorporated. When reading the substance of the resolution, it makes certain findings and conclusions with regard to the development agreement meeting necessary regulatory conditions.

The motion was made by Councilperson Stima and seconded by Councilperson Rodriguez, to approve the Resolution approving the Development Agreement including the associated Binding Site Plan and Grading Permit Applications with North Kelsey LLC for North Kelsey (North).

After discussion and comments from Councilmembers, the motion was on the floor to approve the resolution. On vote,

Motion carried 5/2.

Councilpersons Tuttle and Cudaback were opposed.

The motion was made by Councilperson Stima and seconded by Councilperson Williams, to authorize the Mayor to sign the Development Agreement with North Kelsey LLC for North Kelsey (North). On vote,

Motion carried 5/2.

Councilpersons Tuttle and Cudaback were opposed.

The motion was made by Councilperson Goering and seconded by Councilperson Balk, to extend the Business portion of the meeting past 8:00 p.m. On vote,

Motion carried 7/0.

**Authorize Mayor to Sign Letter of Intent/Bridgestone Retail Operations**

City Administrator Brazel explained that there was a Letter of Intent from Bridgestone Retail Operations LLC. Jane Lanford from Grubb and Ellis and Attorney Ellenhorn are here to answer question

Mayor Zimmerman explained that there was a need to go into executive session for approximately 10 minutes for purposes of pricing of property. Attorney Ellenhorn referenced RCW 42.30.110(1)(c).

MEETING RECESSED INTO EXECUTIVE SESSION: 8:34 p.m.  
EXECUTIVE SESSION WAS EXTENDED  
MEETING RECONVENED INTO REGULAR SESSION: 8:55 p.m.

City Administrator Brazel explained that the location of the tire store would be in the southeast corner near Lowe's. Mayor Zimmerman reported that the back of the building would face the wall.

After discussion, the motion was made by Councilperson Rodriguez and seconded by Councilperson Williams, to authorize the Mayor to sign the Letter of Intent with Bridgestone Retail Operations, LLC.

After further discussion a call for the question was made by Councilperson Rodriguez.  
On vote,

Motion carried 4/3.

Councilpersons Cudaback, Tuttle, and Balk were opposed.

Councilperson Stima requested that, before there was a Purchase Agreement on this, that they have a public hearing on it. Mayor Zimmerman stated that there is no consensus at this point, but it's not necessarily dead.

### **EXECUTIVE SESSION**

#### **Related to Pricing of Property**

Mayor Zimmerman explained that there was a need to go into another executive session for approximately 15 minutes for purposes of pricing of property. City Attorney Ellenhorn referenced RCW 42.30.110(1)(c).

MEETING RECESSED INTO EXECUTIVE SESSION: 9:15 p.m.

EXECUTIVE SESSION WAS EXTENDED

MEETING RECONVENED INTO STUDY SESSION: 9:39 p.m.

### **STUDY SESSION ITEMS**

#### **Priorities of Government**

Mayor Zimmerman suggested that this item be moved to another week.

#### **Department Reports**

Mayor Zimmerman commented that the WCIA information that Human Resources Manager Smith provided was phenomenal. Staff should be commended for their efforts to reduce the City's risks.

Parks and Recreation Director Farrell noted donations and the upcoming community events that kick off this month. They are working on flood repairs at Sky River Park; it should open within a week. He reported on the flower program and that they had moved flowers out of the prison and had them growing at Park Place Middle School. They received donation for other starts and are looking at the offenders planting in May. They have received parts for two shelters and doing site work; they should be completed later this spring.

Public Works Director Feilberg reported on the \$500,000+ grant funding from the federal government for right turn lanes at Main Street/Old Owens Road/Highway 2. He pointed out the report for business license and permit activity to date and explained how to find that information on the interim Web site.

Councilperson Stima asked if there was any REET money available, since the legislature is looking at making it more flexible. Director Feilberg responded that they are waiting until the bills pass. A lot of REET has been appropriated already; but they may free up some for parks.

**Draft Agenda/April 19, 2011 Council Business Meeting**

City Administrator Brazel presented the agenda for the April 19, 2011 Council Business Meeting.

Councilperson Cudaback asked about the airport being expanded. City Administrator Brazel stated that there is no formal proposal. There has been preliminary discussion.

**EXECUTIVE SESSION**

**Related to Collective Bargaining**

Mayor Zimmerman explained that there would be no executive session.

Mayor Zimmerman stated that on May 10<sup>th</sup>, there would be a joint meeting with the US2 Coalition. He also met with Betsy Lewis and extended an invitation for the Library Board to attend.

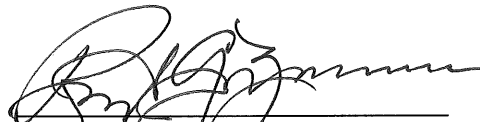
Mayor Zimmerman suggested that Council Priorities be discussed on April 26<sup>th</sup>.

The motion was made by Councilperson Goering and seconded by Councilperson Rodriguez, to adjourn the meeting. On vote,

Motion carried 7/0.

MEETING ADJOURNED: 9:50 p.m.

  
Eadye Martinson, Deputy City Clerk

  
Robert G. Zimmerman, Mayor