

**CITY COUNCIL
BUSINESS MEETING MINUTES
November 6, 2012**

The Business Meeting of the Monroe City Council was held on November 6, 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, Kamp, Davis, Gamble, and Hanford.

Councilperson(s) absent: Williams.

Staff present: Brazel, Feilberg, Warthan, Nelson, Willis, Ginnard, Farrell, Roberts, Sax, Popelka, and Martinson.

City Attorney Zach Lell was also present.

The meeting was opened with the Pledge of Allegiance.

ANNOUNCEMENTS & PRESENTATIONS

1. Proclamation: Day of Tribute for Local Veterans

Mayor Zimmerman read the proclamation declaring November 11, 2012 as *A Day of Tribute for Our Local Veterans* and announcing the Veterans Day event at the Monroe High School on November 11th at 1:00 p.m.

PUBLIC HEARING

1. First Public Hearing on 2013 Budget

Finance Director Nelson gave brief introduction, stating that this is the first of two public hearings on the 2013 Budget to give citizens an opportunity to address Council with any comments.

Mayor Zimmerman opened the public hearing.

No citizens wished to testify.

The motion was made by Councilperson Cudaback and seconded by Councilperson Hanford, to close the public testimony portion of the public hearing. On vote,

Motion carried 6/0.

The motion was made by Councilperson Cudaback and seconded by Councilperson Hanford, to close the public hearing. On vote,

Motion carried 6/0.

COMMENTS FROM CITIZENS

Tom McIntyre, Monroe School Board, addressed Council to state his stand against reduction of school mitigation fees.

Katy Woods, Monroe School Board, addressed Council in opposition to reducing school mitigation fees.

Tom Scott, Monroe School Board, addressed Council in opposition to reducing school mitigation fees.

Nancy Truitt-Pierce, Monroe School Board, addressed Council against reducing school mitigation fees.

Dr. Ken Hoover, Monroe School Superintendent, addressed Council regarding partnerships that make Monroe a strong community, such as the School District's partnership with the City for parks.

Meredith Mechling, addressed Council in opposition to reducing school mitigation fees and also spoke about the process of the complaint against Councilperson Cudaback.

Vickie Mullin, 10312 210th Street SE, Snohomish, spoke against lowering the school mitigation fees.

Erin Angus-Snapka, 421 S. Lewis Street, Monroe, supports keeping mitigation fees at the present level of discount.

CONSENT AGENDA

Councilperson Gamble asked to pull item #2 (Bills) from the Consent Agenda.

1. **Minutes**
 - A. **October 16, 2012 Business Meeting**
 - B. **October 23, 2012 Study Session**
3. **Accept the Public Works Contract E. Main Street/Old Owen Road Water Main Pipe Bursting and Begin the 45-Day Lien Period**
4. **Ordinance/Short Plat Extension/ZCA2012-08/2nd & Final Reading**
5. **Release Retainage/Hill Street Reconstruction Project**

The motion was made by Councilperson Cudaback and seconded by Councilperson Goering, to approve Consent Agenda items #1, 3, 4, and 5. On vote,

Motion carried 6/0.

Under an abundance of caution, Councilperson Gamble recused himself from voting on Consent Agenda item #2A, since there is an invoice from his employer; he departed Council Chambers at 7:35 p.m..

2. Accounts Payable & Payroll

A. Bills: Checks #82963 – 83018, in the amount of \$556,885.49.

The motion was made by Councilperson Goering and seconded by Councilperson Hanford, to approve Consent Agenda item #2. On vote,

Motion carried 5/0.

Councilperson Gamble returned to Council Chambers at 7:36 p.m.

NEW BUSINESS

1. Ordinance Setting Property Tax Levy/1st Reading

Finance Director Nelson gave a brief overview explaining that there are two ordinances before council, at their request: one without the 1% property tax increase and one with the 1% increase. It's up to Council to decide which one to adopt.

The motion was made by Councilperson Goering and seconded by Councilperson Cudaback, to accept as first reading ordinance fixing the amount of taxes to be levied by the City for the Calendar Year 2013, with no increase over the 2012 tax levy.

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

Motion carried 6/0.

2. Presentation of General Fund & Internal Service Funds Budget

Finance Director Nelson gave a presentation showing the budget for General Funds and Internal Service Funds. At the next meeting, she will present Utilities and CIP Funds.

Mayor Zimmerman and Economic Development Director Sax gave information explanation about the Innovative Partnership Zone (IPZ), the East County Partnership that will allow them to obtain grants through the state.

Finance Director Nelson continued presenting the details of the various funds.

No action was taken at this time.

3. Introduction: School Mitigation Fees

Public Works Director Feilberg gave an overview of the proposed changes to the school mitigation fees, explaining the multi-faceted process.

Economic Development Manager Sax explained the planned growth in Monroe

and how the mitigation fees would affect developers coming into Monroe.

Mayor Zimmerman commented that this would be just one more offering showing that Monroe is doing their part to bring business and developers to Monroe.

Discussion ensued between the School Board and Council.

No action was taken.

Mayor Zimmerman explained that they would take a short break to allow people to depart Council Chambers, if they desired to do so.

MEETING RECESS FOR A SHORT BREAK	9:05 p.m.
MEETING RECONVENED	9:16 p.m.

4. Refunding School Mitigation Fees

Public Works Director Feilberg gave a brief overview explaining that, when the mitigation fees had been changed previously, it wasn't reflected in the Fees Resolution. That caused some applicants to be overcharged on the mitigation fees. The School District has returned the overcharged fees to the City. The recommendation is to refund the amount overcharged to the applicants, although the City is not obligated to offer refunds, as the period to contest the charge has lapsed.

The motion was made by Councilperson Hanford and seconded by Councilperson Cudaback, to authorize staff to issue refunds to the building permit applicants for overcharged school mitigation fees collected between September 21, 2011 and October 2, 2012.

After discussion, the motion was on the floor to refund the fees to the builders.
On vote,

Motion carried 6/0.

5. Schedule Date for Consideration of Hearing Examiner's Decision for Dennis Addition Plat

Public Works Director Feilberg explained that the code requires that Council be presented with the hearing examiner's decision and that Council schedule a meeting to consider the hearing examiner's decision. City Attorney Lell explained that this is a quasi-judicial proceeding and that Council should disclose any exparte' communications or any financial interest in the site in question.

After clarifying questions, the motion was made by Councilperson Goering and seconded by Councilperson Kamp, to set the date of November 13, 2012, for

consideration of the hearing examiner's recommendation on preliminary subdivision PL2012-01. On vote,

Motion carried 6/0.

City Attorney Lell explained that Council should make their decision based only on the closed record and to not have discussions with any parties of record prior to the proceedings.

FINAL ACTION

1. To Receive & Evaluate Complaints or Charges Brought Against a Public Officer or Employee

Councilperson Goering restated his complaint that was read into the record on October 16, 2012, and explained that his action was based on Councilperson Cudaback giving the specific topic of an executive session.

After distributing a handout to Council, which included the Facebook communication, Councilperson Cudaback read the communications in question into the public record.

City Administrator Brazel stated, for the record, that this document is different than the one he had received before that was given in response to a records request from Councilperson Goering.

After further comments, Councilperson Cudaback requested an executive session, in order to discuss the specifics of the complaint.

City Attorney Lell stated that there was a need for an executive session for approximately 10 minutes, to receive or evaluate complaints or charges brought against a public officer or employee, as authorized by RCW 42.30.110.(1)(f).

MEETING RECESSED INTO EXECUTIVE SESSION: 9:44 p.m.

EXECUTIVE SESSION WAS EXTENDED

MEETING RECONVENED INTO REGULAR SESSION: 10:35 p.m.

The motion was made by Councilperson Kamp and seconded by Councilperson Goering, to extend the meeting past 10:00 p.m. On vote,

Motion carried 6/0.

Councilperson Cudaback made a statement apologizing to Council if they think she crossed the line. She gave details of her proposed corrective action.

Councilperson Hanford made a statement saying Council has been told that everything in executive session is always confidential.

The motion was made by Councilperson Gamble and seconded by

Councilperson Kamp, to accept Councilperson Cudaback's apology and corrective action as detailed in her statement.

After further comments, the motion was on the floor to accept the apology and corrective action. On vote,

Motion carried 5/0.

It was noted that Councilperson Cudaback abstained from the vote.

COUNCILMEMBER REPORTS

Councilperson Kamp reported on the groundbreaking ceremony and the excitement about the Providence medical building that is going in on North Kelsey.

Mayor Zimmerman acknowledged Council's part is making this project happen. It was an exciting day and great to see the first fruits of the efforts.

Councilperson Hanford reported that his father, Police Chaplin Michael Hanford, had a heart attack on Saturday. He will be having bypass surgery in the near future. Everyone's prayers and support are appreciated.

Manager Sax thanked Council for taking the action to change the comp plan and zoning code that allowed the changes in North Kelsey. Providence is building a \$22M facility and the medical community is very excited.

MAYOR/ADMINISTRATIVE STAFF REPORTS

1. Draft Agenda/November 13, 2012 Study Session

City Administrator Brazel presented the draft agenda for November 13, 2012.

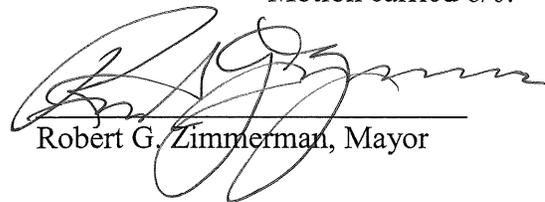
Mayor Zimmerman stated that he may be out of town on November 13th. He also noted that it appears that President Obama has been re-elected for four more years.

ADJOURNMENT

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

Motion carried 6/0.

MEETING ADJOURNED: 10:50 p.m.



Robert G. Zimmerman, Mayor



Eadye Martinson, Deputy City Clerk