

CALL TO ORDER, ROLL CALL AND PLEDGE

The March 3, 2015, Regular Business Meeting of the Monroe City Council was called to order by Mayor Geoffrey Thomas at 7:03 p.m.; Council Chambers, City Hall.

Councilmembers present: Cudaback¹, Davis, Gamble, Goering, Hanford, Kamp², and Rasmussen.

Staff members present: Brazel, Farrell, Feilberg, Nelson, Quenzer, and Smoot; City Attorney Lell.

The Pledge of Allegiance was led by Councilmember Hanford.

COMMENTS FROM CITIZENS

The following persons spoke regarding the 2015 Comprehensive Plan Update and the proposed addition of a separate goal for 'the Downtown:' Una Wirkebau-Hartt and Meghan Manning.

CONSENT AGENDA

1. Approval of the Minutes; February 24, 2015, Regular Business Meeting
2. Approval of AP Checks and ACH Payments [*Check Nos. 85679 through 85715 in an amount of \$50,038.24, and ACH Payments in an amount of \$60,304.48; for a total amount of \$110,342.72*]
3. AB15-036: Accept the Public Works Project North Blakeley Infiltration Project and Begin the 30-Day Lien Period

Councilmember Goering moved to approve the Consent Agenda; the motion was seconded by Councilmember Rasmussen. On vote,
Motion carried (5-0).

UNFINISHED BUSINESS

1. AB15-037: Authorize Right-of-Way Acquisition for the Tjerne Place Extension Project

Mr. Brad Feilberg, Public Works Director & Acting Planning/Permitting Manager, provided background information on the project and right-of-way acquisition; and responded to Councilmember inquiry regarding specific acquisitions.

Councilmember Gamble moved to authorize the City to acquire the necessary right-of-way from the properties listed above in an amount not to exceed \$247,900, authorize the Mayor to sign the associated documents thereto, and expressly authorize further minor revisions

¹ CLERK'S NOTE: Councilmember Cudaback arrived at approximately 7:20 p.m., during Unfinished Business No. 2.

² CLERK'S NOTE: Councilmember Kamp arrived at approximately 7:15 p.m., during Unfinished Business No. 2.

deemed necessary and appropriate; the motion was seconded by Councilmember Hanford. On vote,

Motion carried (5-0).

1. AB15-034: Discussion: 2015 Comprehensive Plan Update

General discussion ensued regarding the presentation of the draft plan text, and scheduling of a joint meeting with the Planning Commission and Park Board thereto. Staff will work with the consultant to solidify a date; potentially March 24, 2015.

Mr. Feilberg presented the Planning Commission's recommended list of Policies for Goals Four and Seven. The Mayor and Councilmembers provided specific feedback, and requested amendments to the following items presented and reviewed: P028, P065, P136, and P120.

Councilmember Cudaback moved to remove downtown from Goal No. 4, and create a new Goal (No. 9) to be phrased something like "have a downtown that is a thriving commercial, civic, and residential area in Monroe;" the motion was seconded by Councilmember Goering.

Discussion ensued regarding the proposed Goal; and Councilmembers shared their position in regard to the proposal.

On vote,

Motion carried (7-0).

Mr. Feilberg noted that the Planning Commission's recommendations for the Policies for Goal Eight will be presented to Council for review and discussion at the March 10, 2015, Meeting.

NEW BUSINESS

1. AB15-039: Ordinance No. 003/2015, Amending MMC 2.28, City Positions – Appointed; First Reading

Mr. Gene Brazel, City Administrator provided background information on AB15-039, and the proposed ordinance.

Councilmember Gamble moved to accept as first reading Ordinance No. 003/2015, amending Chapter 2.28 of the Monroe Municipal Code, City positions - Appointed; adding the office of human resources director as an appointive office; providing for severability; and establishing an effective date; the motion was seconded by Councilmember Cudaback. On vote,

Motion carried (7-0).

Mayor Thomas stated that, without objection, the meeting would recess for approximately 3 minutes; in order to set up for the next item of business.

The meeting recessed at 8:37 p.m. and reconvened at 8:40 p.m.

2. AB15-032: (Quasi-Judicial) Open Record Proceeding: Gamble ADU Fees Appeal
(Postponed from February 17, 2015)

CLERK'S NOTE: As a party to the appeal, Councilmember Jason Gamble participated in the Open Record Proceeding as a private citizen, the Appellant, and not as a Councilmember.

Mayor Thomas introduced the Open Record Proceeding, and reviewed the Council Rules of Procedure for the Appeal, including the sequence of events.

City Attorney Zach Lell reviewed the Appearance of Fairness Doctrine, and queried Council regarding interest, impartiality, and ex parte communications related to the appeal matter. Councilmembers Goering, Cudaback, and Kamp disclosed potential conflicts in this regard. Upon further query by Attorney Lell, each Councilmember was deemed fit to hear the matter. No rebuttal was made by either party to the appeal.

The Appellant, Mr. Jason Gamble, provided testimony on the following: appeal issues (water and sewer fees charged); a review of the ADU project; definitions within/application of the Monroe Municipal Code toward the fees on appeal; and requested remedy.

The Respondent, City of Monroe - Mr. Feilberg, provided testimony on the following: water and sewer fees assessment/use; definitions within/application of the Monroe Municipal Code in regards to the determination of these fees; and past practice in regards to similar projects.

The Appellant provided rebuttal testimony on the following: water and sewer fees assessment/use; and definitions within/application of the Monroe Municipal Code in regards to the determination of these fees.

City Council queried the appellant/respondent regarding the following: specifics of the ADU project; definitions within/application of the Monroe Municipal Code in regards to the determination of these fees; and past practice in regards to similar projects.

During Council inquiries to the appellant/respondent, Mayor Thomas stated that the meeting would need to recess in order to replace the batteries in the recording device.

The meeting recessed at 9:24 p.m. and reconvened at 9:26 p.m.

Council inquiry, and appellant/respondent responses thereto, continued regarding the following topics: definitions within/application of the Monroe Municipal Code in regards to the determination of these fees; and project permitting details.

There being no further questions of the Council,

Councilmember Kamp moved to close the record (of the Open Record Appeal Proceeding); the motion was seconded by Councilmember Cudaback. On vote,

Motion carried (7-0).

Council deliberations on the appealed ensued.

Councilmember Hanford moved to grant the appeal; the motion was seconded by Councilmember Cudaback.

Deliberations continued, including discussion on the following topics: definitions within/application of the Monroe Municipal Code in regards to the determination of these fees; intention and spirit of the code regarding ADUs; potential amendments to the code regarding the definition of ADUs, specifically regarding the assessment of these fees; and Councilmember positions in regards to the appeal.

On vote,

Motion carried (6-0).

City Attorney Lell stated that, per the Council Rules of Procedure, staff will prepare Findings, Conclusions and a Decision in accordance with the Council's motion as approved; to be presented for adoption within 14 working days.

COUNCILMEMBER REPORTS

Councilmember Goering commented on Monroe High School spring sports; and a recent trip to Washington D.C.

Councilmember Gamble commented on the close of winter sports, beginning of spring sports (specifically Monroe Little League), and the Monroe Public Schools Superintendent search.

Councilmember Davis commented on his child's, and Councilmember Hanford child's, achievement of making the Dean's List at Northwest University; and attendance at an event thereto.

Councilmember Kamp moved to extend the meeting past 10:00 p.m.; the motion was seconded by Councilmember Cudaback. On vote,

Motion carried (5-2);

Councilmembers Gamble and Goering opposed.

Councilmember Rasmussen commented on his eldest son's registration for kindergarten; and participation in a race the previous weekend in Downtown Seattle.

Councilmember Cudaback commented on attendance at the 'Caddy Stacks' fundraiser at the Monroe Public Library the previous weekend, and her daughter's picture in the Monroe Monitor from the event; and attendance at the EvergreenHealth Monroe 'ribbon tying.'

1. Finance & Human Resource Committee Report³

Councilmember Goering, Committee Chair, reported on the items discussed at the Committee Meeting held earlier in the evening; including: the 2015 Work Plan, report on the annual Non-Represented Employee Performance Reviews, and a review of a number of non-represented employee salary ranges and incentives.

STAFF/DEPARTMENT REPORTS

Police Chief Tim Quenzer commented on the birth of his great grandson.

Mr. Feilberg commented on the delay of the Monroe mobile app launch to March 15, 2015.

Mr. Mike Farrell, Parks and Recreation Director, reported on the following topics: Republic Services donations, CIP project updates, and 2015 wakeboard events.

MAYOR/ADMINISTRATIVE REPORTS

Mr. Brazel reported on the following topics: a meeting with the Haggen Shopping Center owner, North Kelsey Parcel No. 5, complaints of beaver activity, the Well Site, and the Community Development Director position.

Mayor Thomas reported on the following topics: attendance at a tour of Evergreen State Fairgrounds the previous week, meeting regarding the Main Street project, an invitation to speak regarding the proposed public market (Thursday, March 5, 2015, 5:30 p.m.), and upcoming Daylight Savings (March 8, 2015).

1. Draft Agenda for the March 10, 2015, Regular Business Meeting

Administrator Brazel reviewed the draft agenda for the March 10, 2015, Regular Business Meeting; and the extended agenda.

Councilmembers Hanford and Cudaback commented on upcoming absences. Councilmember Goering queried regarding the Spring Clean-Up event; staff will provide information to Council thereto.

EXECUTIVE SESSION

1. Potential Litigation [RCW 42.30.110(1)(i)(ii)]

Mayor Thomas stated that the Council would recess into Executive Session to discuss the Potential Litigation [RCW 42.30.110(1)(i)] for approximately 5 minutes; and read the appropriate citation into the record.

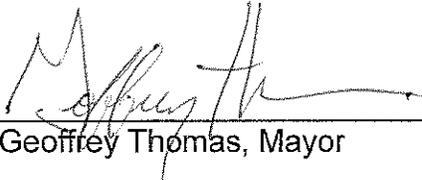
³ CLERK'S NOTE: This item was addressed out of order on the agenda; after department/staff reports.

The meeting recessed into executive session at 10:25 p.m.; and was extended for an additional 20 minutes. The meeting reconvened at 10:50 p.m.

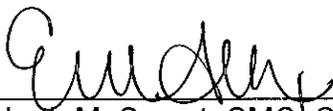
ADJOURNMENT

There being no further business, the motion was made by Councilmember Hanford and seconded by Councilmember Goering to adjourn the meeting. On vote,
Motion carried (7-0).

MEETING ADJOURNED: 10:50 p.m.



Geoffrey Thomas, Mayor



Elizabeth M. Smoot, CMC, City Clerk

Minutes approved at the Regular Business Meeting of March 10, 2015.