

CITY OF MUKILTEO, WASHINGTON
CITY COUNCIL MEETING MINUTES
August 2, 2010
City Council Chambers – 11930 Cyrus Way

APPROVED
CITY OF MUKILTEO
8-16-10

- CALL TO ORDER** Mayor Marine called the meeting to order at 7:03 PM and led the flag salute.
- ATTENDANCE** Mayor/Councilmembers:
Mayor Marine, Council President Lord, Council Vice President Emery and Councilmembers Grafer, Gregerson, Stoltz, Tinsley and Vanderwielen.
- City Staff
City Administrator Hannan, City Clerk Boughman, City Attorney Belbeck, Community Development Director McCartney, Police Commander Macklin, Public Works Director Waters, and Senior Planner Pickus.
- AGENDA ORDER** Councilmember Gregerson requested that a discussion on a ballot proposition for Red Light Cameras be added to the Agenda.
- Councilmember Tinsley requested that a discussion on a citizen advisory vote for annexation be added to the Agenda.
- Mayor Marine assigned these requests to Business Items No. 9 and No. 10 respectively.
- REPORTS FROM MAYOR AND CITY COUNCIL** None.
- CITIZEN COMMENTS** Charlie Pancerzewski, Mukilteo, commented on staff's REET budget projections.
- CONSENT AGENDA** Mayor Marine asked if there were any items on the Consent Agenda that Council wanted pulled for discussion.
- Councilmembers Emery and Tinsley abstained from the Minutes of July 19th because they were absent. Councilmembers Emery, Gregerson and Stoltz abstained from the Minutes of July 26th because they were absent. [Clerk's Note: Cm. Tinsley abstained from the July 26th Minutes but later during the meeting, he withdrew the abstention because he realized that he was present at that meeting.]
- Hearing no further requests, Mayor Marine declared Consent Agenda Items 1 through 3 approved as presented.
- 1a. Approval of Minutes of July 19, 2010 (AB10-01)**
To approve the Minutes of July 19, 2010, with the abstentions noted by Councilmembers Emery and Tinsley.
- 1b. Approval of Minutes of July 26, 2010 (AB10-01)**
To approve the Minutes of 26, 2010, with the abstentions noted by Councilmembers Emery, Gregerson, and Stoltz.

**CONSENT AGENDA
continued**

2. Approval of Payment Vouchers Totaling \$715,550.38 (AB10-02)

To approve the following payment vouchers:

Direct Deposit #13262-13364	220,966.56
Payroll Checks #35389-35401	18,923.67
Benefits/Deductions #35402-35427 & EFTs	<u>149,659.91</u>
Payroll Total	\$389,550.14
Claim Checks #58840-58955 & EFTs	<u>326,000.24</u>
Claims Total	\$326,000.24
Total Expenditures	\$715,550.38

3. Japanese Gulch Fish Passage Consultant Contract Amendment (AB10-94)

To authorize the Mayor or his designee to sign Supplemental Consultant Contract #3 with Cherry Creek Environmental for \$4,500.00 to complete Phase 2 design of the fish ladder for the Japanese Gulch Fish Passage Project.

PUBLIC HEARING

4. Non-Conforming Code Amendment (AB10-90)

Senior Planner Pickus reported on the purpose and particulars of the proposed code revision to amend the nonconforming section of the Municipal Code. He also provided a revised Findings of Fact & Conclusions to make clear that the portion of the code amendment that deals with nonconforming lots and their consolidation did not create a new regulation. Additionally, revised wording regarding conformance with critical area regulations that was not included in the draft ordinance was submitted. Mr. Pickus and City Administrator Hannan responded to the Council questions raised during the presentation.

Charlie Panczewski, Mukilteo, asked if a non-conforming house could go up in height. Staff advised that it could go up, but it could not be built over setbacks.

There was no further public comment.

Motion: To close the Public Hearing.
Motion By: Gregerson
Seconded By: Tinsley
Action: PASSED unanimously

Motion: To approve the revised Findings of Facts and Conclusions as revised.
Motion By: Gregerson
Seconded By: Grafer
Action: PASSED unanimously

Motion: To approve Ordinance 1252 to amend Mukilteo Municipal Code (MMC) 17.68, Nonconforming Lots, Structures and Uses and to amend MMC 17.08, Definitions, and with the additional language revision provided in the staff presentation.
Motion By: Gregerson
Seconded By: Lord
Action: PASSED unanimously

BUSINESS ITEMS

5. EMS Tax Levy Ballot Proposition and Committee Appointments (AB10-19)

City Administrator Hannan commented on the timing of the 2010 elections, and that the proposed Resolution would place this issue on the November General Election ballot should the EMS levy in the Primary election fail. Mr. Hannan noted that Council had the option of changing the levy to a 6-year levy rather than a permanent one.

BUSINESS ITEMS
continued

Charlie Pancerzewski, Mukilteo, commented on citizens not knowing how the funds that would be available to the General Fund would be used if the EMS tax levy were to be passed.

Kirk Galatas, Firefighters Local 3482, spoke in support of the EMS levy.

Council discussion followed on whether to keep the levy term and rate at the same amount that was being presented to the voters on the Primary Election ballot.

Motion: To re-submit the permanent levy request to the voters with the same levy rate; and to approve Resolution 2010-25 calling for a special election to be held November 2, 2010 for the purpose of authorizing a permanent property tax levy for Emergency Medical Care and Emergency Medical Services.

Motion By: Tinsley

Seconded By: Grafer

Action: PASSED 6-1

Ayes: Grafer, Gregerson, Lord, Stoltz, Tinsley

Nayes: Emery

Motion: To approve the proposed ballot explanatory statement; changing the references from six year to permanent.

Motion By: Gregerson

Seconded By: Vanderwielen

Action: PASSED unanimously

Motion: To appoint Jennifer Gregerson, Sheila Countryman-Bean and David Zunkel to the Emergency Medical Care and Emergency Medical Service Levy Pro Committee.

Motion By: Lord

Seconded By: Vanderwielen

Action: PASSED unanimously

No requests were submitted to serve on the proposition's Con Committee.

Motion: To authorize Mayor to withdraw the ballot request and Explanatory Statement from the Auditor's office in the event the current EMS levy passes on August 17th.

Motion By: Gregerson

Seconded By: Lord

Action: PASSED unanimously

6. Planning Commission Code Amendment (AB10-91)

Senior Planner Pickus reported that the purpose of the proposed amendment is to bring the code into compliance with the Growth Management Act and Mukilteo Municipal Code procedures. The only substantive change is the provision regarding removal of a Planning Commissioner that currently requires a Public Hearing.

Motion: To approve Ordinance 1253 amending MMC 2.36 – Planning Commission in order to be consistent with current State and City codes.

Motion By: Lord

Seconded By: Gregerson

Action: PASSED unanimously

BUSINESS ITEMS
continued

7. Smuggler's Gulch Stormwater Retrofit Project (AB10-93)

Public Works Director Waters reported that the proposed Task Order is the first of several phases staff will be working through to identify options for the retrofitting and upgrading of this drainage basin project. Depending on how each step goes, future amendments to the contract will be brought back to Council for the next phases to be done.

Motion: To authorize the Mayor to sign Task Order 7 with Pertect Engineering for Phase 1 of the Smuggler's Gulch Stormwater Retrofit Project for \$60,700 and a contingency of \$5,000.

Motion By: Vanderwielen

Seconded By: Gregerson

Action: PASSED unanimously

8. Waterfront Project Status Report (AB10-06)

Community Development Director McCartney mentioned the Sound Transit project, delivery of the materials for the Lighthouse Park band shell and the city's Tank Farm Environmental Assessment response letter.

9. Red Light Camera Ballot Proposition (AB10-12) – initiated at meeting

Councilmember Gregerson asked that a Special Meeting be called on August 9th to consider a Council initiated proposition for Red Light Cameras to ensure that its gets on the November 2nd ballot regardless of the outcome of the lawsuit. Discussion followed and it was the consensus of the Council to schedule this issue for the Special meeting.

Tim Eyman, Mukilteo, spoke in support of placing this issue on the ballot.

10. Annexation Advisory Vote Ballot Proposition (AB10-55) – initiated at meeting

Councilmember Tinsley requested that the Special Meeting on August 9th include consideration of placing a citizen advisory vote on annexation on the November 2nd ballot. Discussion followed and it was the consensus of the Council to schedule this issue for the Special meeting.

Tim Eyman, Mukilteo, commented on Council having four months to discuss and debate the issue with voters before the November election.

Charlie Panczerwski, Mukilteo, spoke in support of placing this issue on the ballot.

CITIZEN
COMMENTS

Charlie Panczerwski, Mukilteo, felt the city should require real estate agents who are independent contractors to obtain a city Business License.

MAYOR AND
COUNCILMEMBERS
COMMENTS

Councilmember Tinsley withdrew his abstention on the July 26th Minutes because he realized that he was present at that meeting.

Council President Lord reminded Council that he would be on vacation for approximately three weeks in September and would not be present for the September 7th and 13th Council meetings.

Mayor Marine announced that the National Night Out event was scheduled for Tuesday, August 3rd.

Councilmember Gregerson encouraged everyone to mail in their Primary Election ballots by August 17th.

STAFF None.
COMMENTS

ADJOURNMENT There being no further business, Mayor Marine adjourned the meeting at 9:05 PM.

These minutes are excerpts from the Council proceedings. An audio recording of the meeting was made.

Prepared by:



Christina J. Boughman, City Clerk