

**CITY OF EDGEWOOD
REGULAR COUNCIL MEETING**

Tues., February 12, 2013 – 7:00 PM City Hall – 2224 104th Avenue East Edgewood, WA

 **CALL TO ORDER**

Mayor Hogan called the meeting to order at 7:00 PM.

(Due to recording malfunction the meeting was not recorded)

Councilmember Eidinger led attendees in the pledge of allegiance.

ROLL CALL

Present: Mayor Jeffery Hogan, Deputy Mayor Mike Kelley, Jr., Councilmember Dave Olson, Councilmember Paul Crowley, Councilmember Daryl Eidinger, Councilmember Donna J. O'Ravez, Councilmember Steve Cope.

Staff Present: City Manager Mark Bauer, Assistant City Manager/Municipal Services Eric Phillips, Assistant City Manager/Administrative Services Debbie Zabell, Public Works Director Joe Seet, Police Chief Ed Knutson, City Attorney Zach Lell.

CITY MANAGERS REPORT

City Manager Bauer reported on the following:

- Staff met with the President and Vice President for the Rails to Trails Coalition to discuss the future of the Citys Phase II portion of the Interurban Trail.
- Staff has been working closely and meeting regularly with the City of Fifes Information Technology Department on the Citys technology conversion and upgrade. Staff has authorized the purchase of hardware and software necessary to begin replacing the system. This includes ipads for Councilmembers that will become Councils communication device with staff.
- The Washington Cities Insurance Authoritys (WCIA) Executive Director, Lew Leigh, announced his retirement after 29 years of service.
- The Suburban Cities Association and the Pierce County Cities and Towns Association are seeking support from cities regarding a Transportation Funding package.
- Staff identified the sewer odor issue at OReillys Auto Parts being a dry sewer trap.

Staff Report

- Chief Knutson updated Council on criminal activities that occurred throughout the City over the past few weeks. He also provided Council with a breakdown of a days activities for an Edgewood Police Officer.

- Assistant City Manager Phillips updated the Council on Economic Development strategies staff has been working on, noting a brochure highlighting capital projects and economic development efforts of the City.
- Public Works Director Seet provided Council with an update on the Jovita Realignment construction project as of February 12, 2013.

AUDIENCE COMMENT

Bill ORavez, 11911 21st Street E, Edgewood, spoke to the States construction project on Meridian. He noted the construction has caused disruptions to many businesses along the corridor. He further noted several new businesses have not been able to sustain and have closed, while other businesses have lost leases from their tenants. He is requesting the City address the concerns with the State. Mr. ORavez also spoke regarding the members in the Local Improvement District that have not been able to pay their assessment this year and will not be able to pay next year. He requested the City do something to help those members. He also requested the City look into the need for the Parallel Road Network, noting he has lost two potential buyers due to the impacts of the road project on his property. He further spoke regarding the amount Mt. View-Edgewood Water Company charges for water hook-up and asked if the City would work with the Company to lower the charges. Lastly, he noted the City should have all the information for connecting to Lakehaven sewer available.

Dexter Meacham 37026 45th Ave S, Auburn, spoke to States installation of utilities in the right-of-way along the Meridian Corridor and the road construction not being to City standards. He further noted the States road project has messed-up properties along the corridor. He would like to see the City address the situation.

PRESENTATION

Amy Tiemeyer, Military Relations Liaison, from the Association of the United States Army provided Council with an overview of the Organization, the Organizations involvement in the area, as well as the support they have provided to those serving in the military.

CONSENT AGENDA

- A. December 11, 2012 Regular Council Meeting Minutes
- B. January 3, 2013 Parks and Recreation Advisory Board Meeting Summary
- C. January 7, 2013 Planning Commission Meeting Summary
- ~~D. AB 13-007, a motion authorizing the City Manager to extend the Contract with Pierce County for Law Enforcement Services~~ *Item moved to Council Business*
- E. AB 13-008, a motion approving Claim check numbers 19343 through 19373 including wires and transfers in the amount of \$158,935.03 and Payroll check numbers 9935 through 9943 including Direct Deposits and Electronic Transfers in the amount of \$45,846.62

At the consensus of the Council, Item D was moved to Council Business.

Motion: As read and amended **Action:** Approve, **Moved by** Councilmember Crowley, **Seconded by** Councilmember Eidinger.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Councilmember Eidinger, Councilmember O'Ravez, Councilmember Olson, Councilmember Cope, Deputy Mayor Kelley, Mayor Hogan, Councilmember Crowley

COUNCIL BUSINESS

At the consensus of the Council, Item 1 was moved to the end of Council Business.

2.AB 13-0393, first reading and adoption of an ordinance revising Economic Development Advisory Board Membership qualifications

City Manager Bauer briefed Council on the item.

Motion: As read, **Action:** Approve, **Moved by** Councilmember Crowley, **Seconded by** Councilmember Cope.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Councilmember Eidinger, Councilmember O'Ravez, Councilmember Olson, Councilmember Cope, Deputy Mayor Kelley, Mayor Hogan, Councilmember Crowley.

3.AB 13-010, a motion confirming the Mayoral appointments to the Economic Development Advisory Board Members

City Manager Bauer briefed Council on the item. Assistant City Manager/Administrative Services Zabell noted the appointments would take effect five days from the date of publication of Ordinance 13-0393.

Mayor Hogan appointed the following to the Economic Development Advisory Board:
Position 1 Aaron Williams, Position 2 Tyron Christopherson, Position 3 Kathy Gendron,
Position 4 Michael Ostrander, Position 5 Jan Furey, Position 6 Jeanette Brizendine, and
Position 7 Rose Hill.

Motion: As read, **Action:** Approve, **Moved by** Councilmember Crowley, **Seconded by** Councilmember Cope.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Councilmember Eidinger, Councilmember O'Ravez, Councilmember Olson, Councilmember Cope, Deputy Mayor Kelley, Mayor Hogan, Councilmember Crowley

Appointee Aaron Williams introduced himself and thanked the Council for the opportunity to serve on the Board.

Appointee Tyron Christopherson introduced himself and thanked the Council for the opportunity to serve on the Board.

D.Item 4AB 13-007, a motion authorizing the City Manager to extend the Contract with Pierce County for Law Enforcement Services

City Manager Bauer briefed Council on the item.

Motion: As Read, **Action:** Approve, **Moved by** Councilmember Crowley, **Seconded by** Deputy Mayor Kelley.

Council discussed the item.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Councilmember Eidinger, Councilmember O'Ravez, Councilmember Olson, Councilmember Cope, Deputy Mayor Kelley, Mayor Hogan, Councilmember Crowley.

1.AB 13-009, a motion authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the City of Fife regarding sewer services

City Manager Bauer provided Council with an updated MOU that reflects minor changes, as the result of meeting with the Fife City Manager. He further noted the terms of the MOU and that the MOU is a non-binding document that provides an outline of how the two cities will come to an agreement and set a period for how long the two cities have to work on the Agreement. If the two cities can come to an agreement, the cities would then enter into an Interlocal Agreement where the City of Fife provides sewer to properties in the Phase I Non-Core West area of the City of Edgewood. City Manager Bauer noted there are decision points included in the MOU that will require Council approval and in-depth negotiation with the City of Fife.

Councilmember Cope inquired if there was a need for any councilmember owning property in the subject area to be recused from the agenda item. He also inquired about developer extensions in the area.

City Attorney Lell stated that based on the intent, the agreement will provide an outline and timeframe on coming to an agreement, and that the MOU being a non-binding agreement, there was no reason for the two councilmembers to be recused from the item at this point.

City Manager Bauer noted any developer extension in the area would be under the jurisdiction of the City of Fife, a developer would work with the City of Fife. The City of Edgewood would be involved with the zoning and land-use process.

Councilmember Eidinger inquired of the possibility of there being a service provider being able to serve the City as a whole instead of multiple providers.

Councilmember Olson inquired at what point the City would enter into an Interlocal Agreement (ILA) with the City of Fife, and if there were plans for providing service to the non-core east area.

City Manager Bauer stated that as part of the MOU process the possibility of the City of Fife serving additional areas could be discussed, but at this point all the City of Fife can serve is the Phase 1 Non-Core West area. He further noted staff has had discussions with the City of Milton regarding service and at this time, they do not have the capacity.

Councilmember Olson inquired about the possibility of Lakehaven Utility District serving the area.

City Manager Bauer stated he has had discussions with the Districts General Manager, and the District is not interested in providing service to the City, other than the Core Area they are currently serving.

City Manager Bauer reiterated that the City of Fife could guarantee they have the ability at this time, to dedicate the staff time needed to come to an agreement. They may not in the future.

Councilmember Cope inquired why the item was on Councils Agenda.

City Manager Bauer stated that after his presentation of the item to Council at their February 5, 2013 Study Session, he was not clear on the direction Council wanted to take and noted at the Study Session he would bring the item back to Council at their next Regular Meeting for consideration.

Mayor Hogan invited audience comment on the item.

Jim Schmidt, PO Box 1269, Milton, requested clarification of whether the properties in the subject area were within the Local Improvement District and what those property owners would be paying.

Tina Rempel, 1914 Meridian Ave E, Edgewood, stated if another provider could serve properties within the core area; the property owners should be able to do so.

Bill ORavez, 11911 21st Street E, Edgewood, noted his concern Councilmembers Crowley and Kelley not recusing themselves from the item. He also noted he believes the City should look at alternative providers. He further noted the original plan called for sewer to go Lakehaven Utility District.

Jeff Stokes, 909 Meridian, Edgewood, noted his concern with Councilmembers Crowley and Kelley not recusing themselves from the item and requested the Council not move forward on the item.

Eric Docken, 11116 Karshner Road, Edgewood, expressed concern with the item.

A motion to remove the item from the agenda was made by Councilmember Cope and Seconded by Councilmember ORavez.

Councilmember Cope stated he wants staff to focus on getting financing for the Local Improvement District (LID) and contracting with Lakehaven Utility District.

Councilmember ORavez stated she wants to delay the item in order to focus on issues at hand, such as the States construction project, look at ways to rectify the LID problems and for staff to work on financing the LID issue.

Councilmember Olson inquired if the MOU needs to happen before an ILA.

City Manager Bauer explained there are a number of issues such as fees, costs, service to be provided, treatment and other issues that need to be worked out in order for staff to be able to negotiate the best Interlocal Agreement for the City. He further provided the history of the selection process of the Lakehaven Utility District providing service to the core area.

Councilmember Crowley stated he does not have a financial benefit with the MOU for the property he owns in the subject area.

Councilmember Kelley stated he does not have a financial benefit with the MOU for the property he owns in the subject area.

Councilmember Cope stated the MOU would take considerable time and wants staff to focus on getting financing for the LID and to work on a Latecomers Agreement.

Mayor Hogan requested clarification on the Motion.

Councilmember Cope stated the Motion was to Table the Item.

Mayor Hogan stated he does not see the need to delay the item, noting it is a non-binding Agreement and at this point, no one knows if the system will work. He further noted the MOU might help the members of the LID and economic development efforts for the entire city. He reiterated staff will only be looking at a solution and he would like to go down the path to see what an Agreement can accomplish.

Councilmember Cope again stated he was unclear why the item was on tonight's agenda.

Councilmember Olson reiterated the discussion that occurred about the item at the February 5, 2013 Study Session.

Mayor Hogan called for the vote on the motion to Table the Item.

Vote: Motion failed by roll call vote (summary: No= 4; Yes = 3).

Yes: Councilmember O'Ravez, Councilmember Cope, Councilmember Eidinger.

No: Deputy Mayor Kelley, Mayor Hogan, Councilmember Crowley, Councilmember Olson.

Mayor Hogan motioned to approve the Memorandum of Understanding

Motion: Approve as read, **Action:** Approve, **Moved by** Mayor Hogan, **Seconded by** Councilmember Olson.

Mayor Hogan stated he would like staff to pursue the discussion with the City of Fife to see if they can provide sewer to the Phase I Non-Core West area. If staff comes back with an ILA Council could then further discuss.

Councilmember Olson stated the City has an obligation to provide sewer to the subject area.

Vote: Motion passed by roll call vote (summary: Yes= 4; No = 3).

Yes: Deputy Mayor Kelley, Mayor Hogan, Councilmember Crowley, Councilmember Olson.

No: Councilmember O'Ravez, Councilmember Cope, Councilmember Eidinger.

COUNCIL COMMENTS

Councilmember Olson requested the Parallel Road Networks and Mt. View –Edgewood Water Company costs be included on the agenda for the Council Retreat scheduled for March 5, 2012. He also requested staff provide an update for the sewer service plans for the Phase I Non-Core West and Non-Core East areas.

EXECUTIVE SESSION

Mayor Hogan adjourned the meeting to Executive Session at 9:17 PM, for discussing potential litigation with legal counsel. It was noted the Executive Session would last approximately 15 minutes, after which the Council may take action in open session, when it reconvenes. The Executive Session was extended and the Regular Council meeting reconvened at 9:55 PM.

Mayor Hogan reported the City had received a proposed settlement offer from the Sewer LID Appellants.

ADJOURN

Mayor Hogan adjourned the meeting at 9:56 PM.

Debbie Zabell, City Clerk Jeff Hogan, Mayor