

**City of Langley
Council Meeting Minutes
November 1, 2010**

City Hall Meeting Room 6:30 PM

Mayor Paul Samuelson called the meeting to order at 6:30 PM. The flag salute was lead by Councilmember Robert Neff. Present were City Council Members Robert Gilman, Bob Waterman, Rene Neff, and Fran Abel. Also present were Carol Morris, Attorney to Council for the Langley Passage Appeal; Director of Planning, Larry Cort; Challis Stringer, Public Works Director; and Director of Finance Debbie Mahler.

MOTION: To approve the consent agenda. Motion – Waterman, 2nd – Gilman. Motion carried.

CONSENT AGENDA

- a. Council Meeting Minutes – October 18, 2010
- b. Claims Warrants Nos. 27045, 27116-27118, EFT 10/26/10, E-file 6435772 & 6437485, 27145-27163 in the amount of \$33,153.10
- c. Approval of Agenda

COUNCIL REPORTS

Robert Gilman reported he is doing a series on the budget on www.Langleyelecteds.org and encouraged everyone to follow the blog.

DEPARTMENT REPORTS

Challis Stringer reported the Utility Committee is having a pre-plan meeting with the Department of Health regarding the new Water Comprehensive Plan that the City will soon be updating.

CITIZEN COMMENTS

There were no comments at this time.

OLD BUSINESS

Continuation of Closed Record Hearing on Langley Passage. Mayor Samuelson opened the hearing at 6:36 PM and asked if anyone had any appearance of fairness, ex-parte contacts or conflicts of interest to disclose since the last hearing. Fran Abel reported that she received an email correspondence from a citizen regarding the Langley Passage project vote but was unable to open the attachment. Robert Gilman did receive the same email, as did Bob Waterman and Rene Neff. All reported that it does not affect their ability to be fair and partial. Council, applicant, appellants, and staff were sworn in

by the Mayor. There were no further questions from the Council. Deliberations began at this point on the SEPA threshold determination. Rene Neff read a statement regarding her concerns about the application. Council discussion ensued for some time on the drainage, run-off/bluff and water issues involved.

The Council found that the SEPA decision was clearly erroneous – an EIS should have been done. The next question was if the Preliminary plat application has met the burden of proof to show that the application should be approved.

MOTION: To deny the application, because it has not met the burden of proof. Motion – Gilman, 2nd – Abel. Waterman opposed, Neff abstained and Gilman and Abel voted affirmatively.

MOTION: To suspend the rules and go back into deliberations. Motion – Waterman, 2nd – Neff. Motion carried.

MOTION: To deny the application in that it does not meet the burden of proof. Motion – Gilman, 2nd – Abel. Motion carried unanimously.

MOTION: To have staff come back with findings of fact and conclusions of law at the next meeting. Motion – Waterman, 2nd – Neff. Motion carried unanimously.

Mayor Samuelson called a ten minute recess at 8:20 PM. The meeting reconvened at 8:30 PM.

CMA Park & Ride discussion – Staff prepared a report on the history and timeline of the project. Fred Evander, Community Planner went through the report for the council and audience. Fred explained that this project has an almost 20 year history and also went through the key concepts and goals of the project as specified in the grant. Council members asked staff questions regarding the project. Marianne Edain of WEAN feels the parking lot is redundant and feels there are serious environmental consequences. She also feels the mitigation itself will cause further environmental damage. She also mentioned impacts to the neighbors. Long term costs of maintenance have not been calculated. Mark Wahl doesn't think the uses planned are what were actually proposed in the grant. He also does not feel that it is actual joint use; that the church is getting considerably more use out of the lot than the city is. Leanne Finley asked if the Council has looked at the minutes from the four actions taken on this matter by the Council in 2004. She feels this lot is extremely important to the merchants and shoppers in Langley. Chris Jerome asked how much the City has spent to this point and if the City would have

to pay back the grant funds. Robert Gilman said it does not make sense to pull the plug on the project at this time, but that Council needs to discuss options before proceeding to construction. Maureen Cooke asked that anyone opposed to this lot should come up with new ideas to handle parking. As a merchant she feels it is very important to the city and for the expanded marina. MaryJo McArdle asked why a Shoreline permit is not required.

NEW BUSINESS

MOTION: To bring to a first reading, an Ordinance amending Ordinance Nos. 492, 592, 605, 641, 653, 710, 909 and Langley Municipal Code Section 2.04.010 relating to date and time of regular City Council meetings. Motion - Gilman, 2nd - Waterman. Motion passed with all in favor with the time amended from 5:00 to 5:30 to accommodate citizens.

2011 Budget presentation. Debbie Mahler passed out copies of the preliminary 2011 budget and did a power-point presentation on the City budget.

MOTION: To adjourn the meeting at 10:01 PM. Motion - Waterman, 2nd - Gilman. Motion carried.

Respectfully submitted,

Debbie L. Mahler, Director of Finance/City Clerk