1. CALL TO ORDER
   a. Flag Salute
   b. Roll Call

2. APPROVAL OF AGENDA

3. CONSENT AGENDA
   The CONSENT AGENDA consists of routine items that normally do not require further Council discussion. A council member may ask questions about an item before the vote is taken, or request that an item be removed from the Consent Agenda and placed on the regular agenda for more detailed discussion. A single vote is taken to approve all items remaining on the Consent Agenda.
   a. Approval of council meeting minutes of 2/21/17...........................(to be distributed)
   b. Approval of claims warrants Nos. 35720-35747 in the amount of $73,481.63 and EFTs in the amount of $2,951.48 for a total of $76,433.11.................................................................1-5
   c. Confirmation of the Mayor’s appointment of Sieb Jurriens to the DRB as the alternate member

4. RECOGNITION/APPRECIATION

5. COMMISSION AND BOARD REPORTS
   Langley Library Report

6. CITIZEN COMMENTS *

7. MAYOR’S REPORT

8. UNFINISHED BUSINESS
   Acceptance of Ethics Advisory Opinion #2.................................................................6-7

9. NEW BUSINESS
   Public Works Annual Report for 2016.................................................................8-10

10. COUNCIL REPORTS

11. DISCUSSION ITEMS

12. ADJOURNMENT

*Citizen Comments: We welcome comments on subjects of concern or interest that are not on the agenda. Please state your name and address so this can be recorded, and limit your comments to 5 minutes. Questions will be answered immediately if the answer is brief, and the information is available. Otherwise, answers will be provided as soon as possible. Thank you for participating! If reasonable accommodation of a disability is needed please contact Debbie Mahler at (360) 221-4246 at least 48 hours prior to this meeting.
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$243.31
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$45.78
$126.79

City Facilities Maintenance
City Facilities Maintenance
City Facilities Maintenance
City Facilities Maintenance
City Facilities Maintenance
City Facilities Maintenance

$542.09
$128.81
$403.28

Equipment/Facility Improvements
Equipment/Facility Improvements

$116.98
$116.98

Fuel & Maintenance
Fuel & Maintenance

$84.35
$84.35

City Facilities Maintenance
City Facilities Maintenance

$122.11
$122.11

Computer/Printer Lease (Inc. R&M)

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Storm Drainage

Total Hansen's Bldg. Supply

$515.24
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$494.53

Total - March - 3/6/17

Total Exon/Mobil

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$536.27

Total Double R Rental & Sales

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Total De Laneen Financial Services

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Total Davis, Ken
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City of Langley, Washington
Ethics Training and Advisory Board

Chairman
Bob Frause

Members
Sharon Betcher
Monica Guzman
Fred Herzon
Bob French

Ethics Advisory Opinion #2
DRAFT
Uncalled City Council Quorum at Sanctuary City Meeting (February 9, 2017)

Introduction

At the request of Mayor Tim Callison, the City of Langley Ethics Training and Advisory Board has been asked to provide an ethics advisory opinion regarding an alleged uncalled council quorum formed by city Councilmembers Rene Neff, Bruce Allen and Ursula Shoudy at a public meeting of the local Sanctuary City Movement. This concern emerged in a written complaint (email) filed by Chief David Marks, City of Langley Police Department, dated February 14, 2017 (6:12 pm), and directed to Mayor Callison.

Marks’ official complaint specifically regards action taken by Councilmember Rene Neff when that unintended and unannounced city council quorum gathered. A non-city sponsored public meeting of the Sanctuary City movement took place on February 9, 2017, at Langley United Methodist Church, Langley, WA. At that meeting, Councilmember Rene Neff spoke, detailing the actions which the city council could take in regards to declaring itself a Sanctuary City and her assessments thereof (on record are Chief Marks’ letter, Councilmember Neff’s personal statement and media reports). Councilmember Neff’s action, given the unofficial quorum, was, Chief Marks contends, in violation of the WA State Open Meetings Act (RCW 42.30).

The ethics board has been asked by Mayor Callison to consider, secondary to the legal matter charged by Marks’ and addressed by the city’s legal counsel, “whether there has additionally been conduct that is in opposition to the City’s Ethics Code.” Callison’s request was sent to Ethics Board Chair Bob Frause via email dated Wednesday, February 15, 2017 (9:58 a.m.).

Focus of Opinion

The focus of this advisory opinion considers the following:

1. Ethical reflection as guided by Ethics Code 1.25.050 A1 “Conflict of Interest” on the emergence of an unintended and unannounced council quorum at a public event—specifically A1, “Officials...shall avoid all actual or perceived conflicts of interest”;

2. Ethical reflection as guided by Ethics Code 1.25.050A3 on the public action of a city council member, in this case, Councilmember Rene Neff, when such a quorum gathered.
Opinion

1. It is the opinion of the Ethics Board that actions taken by Councilmembers Bruce Allen, Ursula Shoudy and Rene Neff—namely, their combined attendance at the public meeting of February 9, 2017—overlooked the possibility that their attendance could be perceived as an illegal quorum. Ethically speaking, in matters where the trust of city residents and the perception of impartiality must be maintained, council members are encouraged to act so as to avoid even the perception of impropriety and/or favoritism in order to uphold the integrity of the city.

Their combined attendance and, hence, quorum at the public meeting appears to have been unintentional; and their desire to hear out their constituency is admirable. Once each of the council members became aware of one another’s presence (as each acknowledge in their personal, written statements requested by the Ethics Board), it was ethically incumbent upon each of them to immediately seek means to resolve the situation and avoid the perception that there may have been a conflict of interest.

Let it be noted, however, that Councilmember Allen, conscious of the council quorum, did take leave of the meeting about one hour into the public event—after the four presenters introduced themselves and prior to the assembly’s invitation to Councilmember Neff to informally address the gathering (per Councilmember Allen’s personal statement as corroborated by Councilmember Shoudy);

2. It is also the opinion of the ethics board that no ethical impropriety was committed by Councilmember Neff because the aggregated quorum of the council had disbursed upon Councilmembers Allen’s decision to leave the meeting (as corroborated by Councilmember Allen’s and Councilmember Shoudy’s statements) before Councilmember Neff addressed Sanctuary City meeting participants.

It should be noted, however, that ethical failure to resolve the aggregated quorum would have left Councilmember Neff in a conflicted position when she was invited by planners of the event to “take the microphone” (Marks’ letter regarding Neff’s action is here corroborated by media photo in South Whidbey Record 2.13.17 showing Neff addressing the assembly). If the council quorum had persisted, the register of Neff’s actions would have moved from a council member addressing her constituency to that of one who may have been or perceived to have been conducting council business. Since the quorum of the council had disbursed, Neff’s address to the assembly was simply an individual council member articulating her political vision.

Respectfully submitted,

February 21, 2017
City of Langley Ethics Training and Advisory Board
Public Works Projects and Work Tasks

Biweekly Staff Meeting Summary 2016

Completed

1. Water proof flag light for City Hall installed
2. Delineators installed on DeBruyn Ave (Catholic Church)
3. Purchased dump trailer
4. Utilities Comp Plan Element
5. Transportation Comp Plan Element
6. Parks, Open Space and Trails Comp Plan Element
7. Capital Facilities Comp Plan Element
8. Public Notice: Sidewalk snow and ice removal
9. Removed two hazardous trees at Park Ave outfall on bluff
10. Completed Planning Director selection process
11. Replacement trash cans installed
12. Added parking space at Cemetery
13. Received delivery of trailer mounted vacuum extractor
14. Water Plant wells disinfected
15. Annual water line flushing completed
16. Old Firehouse roof repaired
17. Added City parking spaces and handicapped parking space behind Firehouse
18. Installed ADA operating unit on City Hall front door
19. Assisted Main Street with Frick Lane improvements, historical displays
20. Al Anderson Road research: City street to County line conclusion
21. Star Store land exchange
22. Installed new water service at Cemetery
23. Paved lower Park Ave for better drainage
24. Added speed limit signs on Third Street going out of town
25. Removed seven hazardous/dead trees Cedar Circle open space
26. Repaired drainage ditch on Anthes
27. Replaced pumps, rails, piping and electric at Lift Station #1
28. Created pedestrian walkway on Second Street
29. Rehabilitated Generation Park
30. Rehabilitated Cedars Circle Park
31. Rehabilitated Edgecliff bench
32. Yard waste grinding complete
33. Pavement/drainage improvements Saratoga Road
34. Groom Alley artwork foundations
35. Water Consumer Confidence Report completed and mailed
36. City Hall and Library fire inspections completed
37. Rain Garden sprinkling system repaired
38. Several Library windows replaced
39. Sewer Comprehensive Plan completed and adopted
40. Sewer rate fee increase implemented
41. Groom Lane storm drainage improvement
42. Visitor Center interior painting and new countertops
43. New dual trashcans installed on First and Second Streets
44. Installed “no pets” signs in Generation Park playground
45. Evaluated Cedar Circle open space for an off leash dog park
46. Reestablish Second Street driveway: design completed
47. No bids for 12.5 KV Library generator: assume $20,000 cost for 2017 budget
48. Luhn and 5th Street storm drain unplugged
49. New changing stations in VC restrooms
50. Landscaping installed on Wharf Street to correct fall issue
51. Resolved Cascade Ave School Bus yield sign
52. Removed dead hazardous trees from Cedar Circle and Suzanne Court open spaces
53. Council approved Transportation Improvement Plan (TIP)
54. Removed hazardous dead tree in the row at 834 Third Street
55. Lab Accreditation renewal completed
56. Awarded Outstanding Waste Water Treatment Plant award for the fifth straight year!
57. Furman Firs capital improvements memo: $4.2 million and City wide $10 million
58. Wharf Street walkway repairs completed
59. Received STP funds for street repaving: Second Street, Park, DeBruyn, and Third Street; and TAP
   funds for First Street sidewalk (Total $1.45 Federal Funds)
60. 2017 Council budget meetings completed: Joe full time
61. Repaired major water main break on Camano Ave
62. Decker water main replacement completed
63. Installed fire extinguishers Fire House and Visitor’s Center
64. Northview Detention Pond: parrot feathers treated
65. Generator maintenance and load bank completed; City Hall propane filled
66. Installed Art Sculpture base at the Post Office
67. Annual Cascade Bluff trimming completed
68. Sharp’s containers installed in Visitor’s Center restrooms
69. AWC Utility Survey completed

Underway

1. Upper Langley construction oversight
2. 6th and Cascade Townhome development construction oversight
3. Langley Passages: Water, Sewer and Storm Drainage Plan review: PACE and staff
4. Fairgrounds plumbing correction issues: County to correct
5. Boy and Dog Park tree: Arborist report; Shoreline management exemption: schedule
7. 3000 KV streetlight conversion grant: receive public input: Coupeville went 3000 KV
8. PACE engineering and grant paperwork for First Street Sidewalk: 2017 construction: TIB grant
   ($221K State Funds)) meeting
9. PACE redesign and paper work for Cascade repaving: 2017 construction: STP grant ($268K Federal)
10. PACE engineering and bid documents: Second Street water main replacement
11. Complete Streets TiB grant approved for First Street: develop work plan ($250K State Funds)
12. Start Store Basics drainage solution: PSE
13. Doghouse development proposal
14. Jim Anderson development proposal
15. Wellness Center development proposal: submitted
16. Ordered new Vision handheld input device

Upcoming

1. Vision permit system
2. GIS system
3. Performance Evaluations
4. Change lights at WWTP
5. Repair exit light at main entrance to Library
6. Repaint yellow curb in front of the Clyde
7. Repaint “no parking” at the entrance to Post Office
8. Paint cross lines at no parking lane up from the Spyhop
9. Generator repairs and no potable water effect
10. Ditch Sixth Street to contain drainage
11. Bike Sharrow stencil: Sandy Point Road
12. Repair trash pump and purchase a new one
13. Purchase hose ramp
14. Clean up Seawall Park before Seafoal Scramble
15. Salt for Callahan
16. First Street sidewalk: trim bushes behind City Hall
17. Investigate Cedar’s easement erosion: 1095 Cedar Circle
18. Demo pipeline camera
19. Wastewater Plant PLC: TSI proposal: schedule
20. Reestablish Second Street driveway: ITB 12/29
21. Langley Motel sewer research

The above list does not include daily testing, compiling notes and submission of monthly, quarterly, and annual reports to the Washington Departments of Health and Ecology required to be incompliance with State regulations to operate water and waste water treatment plants and systems. Also not included is routine maintenance, filling potholes, etc..
Langley City Council Meeting Minutes
February 21, 2017

Mayor Callison called the meeting to order at 5:30 PM. Present were City Council Members Rene Neff, Bruce Allen, Dominique Emerson, Ursula Shoudy and Thomas Gill. Also present were Stan Berryman, Public Works Director; Brigid Reynolds, Planning Director; Dave Marks, Police Chief; and Debbie Mahler, Finance Director/Clerk. Mayor Callison led the flag salute.

MOTION: To approve the agenda. Motion - Allen, 2nd - Neff. Motion carried.

MOTION: To approve the consent agenda amend minutes. Motion - Allen, 2nd - Gill. Motion was approved.

CONSENT AGENDA

a. Approval of council meeting minutes of 2-6-17
b. Approval of claims warrants Nos. 35642-35680 in the amount of $37,732.19 and EFT’s in the amount of $101.40, manual Warrant 34937 in the amount of $500 for a total of $38,333.59
c. Approval of payroll warrants Nos. 35500-35519(1/13/17) in the amount of $38,678.43 and Nos. 35555-35579 (1/31/17) in the amount of $76,854.24

COMMISSION AND BOARD REPORTS

Langley Library – Librarian Vicky Welfare reported that a program entitled “Create Stories that Stick” will be presented this Thursday, a Sasquatch program on Friday, and 3 humanities programs in March.

CITIZEN COMMENTS

Ann Waterman feels it is disrespectful to not have a meeting this big in a bigger venue. Eric Hood asked if the Mayor sent a deputy to the community meeting on Sanctuary City. Mayor Callison did not. Shelly Hartel said she wants more transparency in government. Ursula Shoudy explained that the council cannot speak about city business at a community meeting without advertising a special meeting in advance. We must follow State laws regarding open public meetings. Sharon Emerson was dismayed that the problems the City has had with posting audio of council meetings on the city website was not totally corrected yet. She feels the city should buy more room on the website or use other services to improve the website and have more audio available.

PUBLIC HEARING – Ordinance Amending LMC 15.24 re Flood Damage Prevention, Floodplain, Drainage and Erosion

Mayor Callison opened the public hearing at 5:45 PM. Brigid Reynolds explained the amendments to the current ordinance which was adopted in 2006. These amendments were required by FEMA and must be passed by March 7th of this year or the city will be suspended from the National Flood Insurance program. Bob Waterman said his home which is on a high bluff was included in the flood plain years ago and was successfully appealed. No further comments.

Council meeting minutes 2-21-17
UNFINISHED BUSINESS

**MOTION:** To bring to a first reading, Resolution No. 786 Inclusivity & Statement of Principles and Values. Motion – Allen, 2nd – Gill.

**MOTION:** To discuss a draft resolution that Rene Neff presented before voting on this resolution. Motion – Neff, 2nd – Emerson. Motion carried. Rene explained why she prepared the resolution declaring Langley a Sanctuary City. Bruce Allen said he does not want to pass an ordinance, thinks the resolution has more than needed. Ursula Shoudy wants some changes to the 2nd resolution. Thomas Gill asked the phrase “sanctuary” to be removed and something like “inclusive” be put in its place. Sanctuary implies that refugees could come and be provided services. Langley does not have services available. Ursula Shoudy reiterated that the Council represents the citizens of Langley, not all of South Whidbey. Amendments were made to the language. Chief Marks gave his perspective on the resolution.

**MOTION:** To rescind the first motion and to bring to a first reading the second resolution as amended. Motion Allen, 2nd – Neff. Motion passed with all in favor.

STAFF REPORTS

Community Planning – Brigid Reynolds presented an annual review of the main activities of the Planning Department during 2016. She detailed the work on the comp plan and the 16 workshops held for that purpose. She staffs the Arts Commission, Planning Advisory Board, Design Review Board and the Seawall Park Ad Hoc Committee. Brigid also attends quarterly meetings of the Island County Housing Advisory Committee and she participated in numerous community meetings on Arts, Housing, etc. She also reported on the various permit applications and gave the building permit statistics for the year. GIS consortium is currently working on comp plan maps. PAB focus has been on housing, working on proposed amendments to the code.

Public Works – Stan Berryman reported the large pine tree next to the pizzeria is coming down today. It was causing damage to the building and pavement. Installed driveway access to lot next door and slot drain by Star Store Basics. He is working with some community members on a grant for solar panels on city hall and the library building. Design process on 1st Street sidewalk still ongoing. Gene Felton is improving the outside of the Star Store/Prima building

Police Department – Dave Marks reported that the department is preparing for Mystery Weekend. Started working with the Fair for the upcoming parade. Active shooter training for fire? Officer Liggett is in critical incident training right now. All officers now carry Narcan and heart defibrillators in their vehicles.

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Finance – Debbie Mahler passed out revenue graphs for the month of January. Her office is working on annual reports to the State and the Department of Commerce. The City will receive a two year audit for 2015 and 2016 later this year. She is also working on new public records policies and policies for saving emails and text messages.

MAYOR’S REPORT

Mayor Callison reported that he testified on the Main Street Funding bill before the Legislature in Olympia on February 7th and met with Representative Hayes. The bill is now out of policy committee and in finance committee. On the 8th he attended a County Parks and Recreation meeting. The subject was intergovernmental equipment lending and he attended a Whidbey trails presentation. A group is trying to produce a trails map of Whidbey. Mayor Callison also attended a CHIP Affordable Housing Element workshop; still no progress on an Oak harbor homeless shelter. Coupeville does not have a shelter either. On the 16th he attended a 2nd Street Market meeting about running the Friday market this summer. Met with PSE regarding Green Energy Contracts.

NEW BUSINESS

MOTION: To waive the two reading requirement and pass Ordinance No. 1034 Amending LMC 15.24 re Flood Damage Prevention, Floodplain, Drainage and Erosion. Motion - Emerson, 2nd - Allen. Motion carried unanimously.

MOTION: To approve the amendments to the Langley Arts Commission (LAC) Bylaws. Motion - Neff, 2nd - Gill. Motion passed with all in favor.

COUNCIL REPORTS

Dominique Emerson attended the Port meeting on the 14th. Their project in Clinton is moving forward and they are looking for contributions. Duncan, the harbormaster spoke about the parking area down at the harbor. They would like to make some changes. Clipper Ship is coming to Langley and the Fairgrounds will have a car show and tractor show July 8 & 9, flea markets first Saturday of each month May – June. The final property transfer of the Fairgrounds property from the County to the Port is being worked on by the prosecutor. A Haunted house for Halloween, Farm to table, and new marketing committee are starting. Thomas Gill reported that the Substance Abuse Coalition is on hiatus until April. Ursula Shoudy and Robin Black of Chamber, reported that the first television show has aired with 4 local businesses featured. They will come back for filming of Mystery Weekend. Starting March 18th the Clipper is coming in Saturdays and Sundays with 200 people. Clipper will be here for the welcome the whale parade. Bruce Allen stated there was an article in the Record about Choochokam having an event out at the County parks. Bruce is not involved with it.

Meeting was adjourned at 7:20 pm.

Respectfully submitted,

Debbie L. Mahler, Finance Director/City Clerk
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