



# CITY COUNCIL MINUTES

March 24, 2009

15728 Main Street, Mill Creek, WA 98012 425-745-1891

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Terry Ryan, Mayor  
Rosemary Bennetts, Mayor Pro Tem  
Donna Michelson  
Mary Kay Voss (Absent)  
Mark Harmsworth  
Mike Todd  
Mark Bond

**March 24, 2009**  
**Regular City Council Meeting**  
**6:00 p.m.**

## **CALL TO ORDER**

Mayor Ryan called the meeting to order at 6:00 p.m.

## **ROLL CALL**

Roll was called by the City Clerk with all Councilmembers present except Councilmember Voss.

**MOTION: Councilmember Michelson made a motion to excuse Councilmember Voss, Councilmember Todd seconded the motion. The motion passed unanimously.**

Mayor Ryan noted for the record that there would be an executive session at the end of the meeting regarding potential litigation that should last approximately 10 minutes.

## **AUDIENCE COMMUNICATION**

Dennis Teschlog  
2516 147<sup>th</sup> Place SE  
Mill Creek, Washington 98012

Mr. Teschlog stated he did not believe that MCCA can give land to a charity organization for a senior center. He further stated that he had issues with the ballots that were sent out by MCCA voting on the property. He left a letter with the City Clerk outlining his concerns.

Candie Lambert  
1930 150<sup>th</sup> Place SE  
Mill Creek, Washington 98012

Ms. Lambert clarified the number of participants that attend classes through the senior program.

Michael Geeredette  
10318 33<sup>rd</sup> Avenue  
Everett, Washington

Mr. Geeredette spoke to the Council about a parking ticket he received in the Town Center. He was not happy with how the police officer treated him.

## **STUDY SESSION**

*Public business is conducted at a study session. Citizens are welcome and encouraged to attend study sessions, but participation by citizens shall be permitted only upon the consensus of a majority of the Councilmembers present.*

### Resolution Approving the City's MUGA Boundary to be Coexistent with City's UGA Boundary (Bill Trimm, Community Development Director)

Community Development Director Trimm explained that at the March 7, 2009 Legislative Retreat, Council arrived at the following summary consensus: (i) the Mill Creek MUGA serves the same purpose of the City's internal UGA; (ii) the Mill Creek MUGA has been regionally established and is already recognized in and adopted by the Snohomish County comprehensive plan; (iii) the Mill Creek MUGA provides a greater land area for potential annexation petitions to the City; (iv) use of the MUGA, as compared to the City's internal UGA, will provide more flexible and effective planning actions for the land area surrounding the City; and (v) a resolution should be adopted to recognize the foregoing and direct any additional action by the Planning Commission appropriate to the foregoing.

Council agreed to place this resolution on the consent agenda for approval.

### Report on Northeast/Area A Annexation Code Compliance (Tom Rogers, Planning Manager)

Planning Manager Rogers explained that after the annexation became effective, staff performed a survey to document the properties that were not in compliance with City code. Staff also sent a notice to the property owners informing them of the violation and of the 3-year grace period. In total, 63 properties were determined to be in violation. In June 2008, staff sent a second notice to the properties regarding the pending end of the grace period and the need to bring the properties into compliance with City regulations by December 1, 2008. In February 2009, City staff again performed a survey of the annexation area looking for violations that were: violations resolved: 41; violations not resolved: 22; new violations: 48. The goal of the City's code enforcement activities is to achieve compliance cooperatively through education and respectful communication. Planning Manager Rogers explained that the discussion tonight is an update and no action is needed from the Council.

Council also asked staff to inventory all of the other properties in the City for possible violations.

### Snohomish County Steering Committee Briefing (Bill Trimm, Community Development Director)

## **CONSENT AGENDA:**

*Items listed under the Consent Agenda are generally routine administrative actions and policy statements of a non-controversial nature. They are normally approved by a single majority vote without discussion. Items removed from the Consent Agenda, if any, are usually considered following the adoption of the remainder of the Consent Agenda.*

Approval of Checks #41923 through #42059 and ACH Wire Transfer in the Amount of \$390,327.62.  
(Audit Committee: Councilmember Michelson and Councilmember Bond)

Approval of ACH Automatic Deposit in the Amount of \$242,091.19 and checks in the amount of \$1,289.25.  
(Audit Committee: Councilmember Michelson and Councilmember Bond)

Regular City Council Meeting Minutes of February 24, 2009

Regular City Council Meeting Minutes of March 3, 2009

Amend City Council Policy #08-001 Employee Classification and Salary Plan (If adopted, would take City Council Policy #09-001)

Amend City Council Policy #03-001 Medical Benefits (If adopted, would take City Council Policy #09-002)

Councilmember Todd and Mayor Ryan made a few changes to the February 24, 2009 meeting minutes.

*The following item was added to the consent agenda from the earlier study session:*

Resolution Approving the City's MUGA Boundary to be Coexistent with City's UGA Boundary (If approved, would take Resolution #2009-424)

**MOTION: Councilmember Michelson made a motion to approve the consent agenda, Councilmember Bond seconded the motion. The motion passed unanimously.**

#### **ACTION ITEMS**

Resolution to Award the Construction Contract to Reece Trucking and Excavating for the Cottonwood Stormwater Retrofit Project (If adopted, would take Resolution #2009-425)  
(Tom Gathmann, Public Works Director)

Public Works Director Gathmann, explained that in February, 2008 the Council authorized staff to work with the consulting firm of Hammond Collier Wade and Livingstone (HCWL) to investigate cost effective alternatives for improving surface water quality in the older neighborhoods in the City. The best use of the remaining budget was to focus on a single division and prepare construction plans that could be readily implemented. The Cottonwood neighborhood was the best candidate for the capital funds available. The City has received a \$75,000 grant through Ecology's FY 2008 Local Government Stormwater Grants Program that must be expended by June 30, 2009. The design work was completed by HCWL in January, and the project was advertised for construction bids in February. The bid opening for the Cottonwood Stormwater Retrofit Project was held on Tuesday, March 3, 2009. A total of 28 bids were received ranging from \$219,974.30 to \$600,275 with a median bid of \$306,200. Reece Trucking and Excavating submitted the lowest bid.

**MOTION:** Councilmember Todd made a motion to approve Resolution #2009-425, Awarding the Construction Contract to Reece Trucking and Excavating for the Cottonwood Stormwater Retrofit Project, Councilmember Michelson seconded the motion. The motion passed unanimously.

**REPORTS:**

Mayor Ryan reported that he has been meeting with County Councilmember Sullivan regarding the docket process. Councilmember Sullivan is going to meet with cities for input and will contact Mill Creek.

Councilmember Bond reported that he believes the City needs a process for installation of memorials. He asked the Council to place this on a future study session agenda.

Councilmember Harmsworth reported that he attended the SCC meeting last Thursday.

Councilmember Michelson reported that she will be attending the DARE graduation on Friday. She also passed on a compliment she received about Community Services Officer Nathan Lerma.

Councilmember Todd reported that he attended the WRIA 8 meeting.

City Manager Burns reminded the Council that the next Council meeting is April 7. The main topic of that meeting will be the senior center. Further, he is meeting with the consultants this week on the Facilities Master Plan. Also, he sent out funding questions and answers related to the senior center to the Council by email and hard copy (*see attached*). Lastly, the City will be receiving the 2009 Well City Award from AWC.

Community Development Director Trimm updated the Council on the Larry's Smokehouse building. He also updated the Council on the "Flow" artwork installation.

Finance Director Manuel reported that the financial report for February is in the packet.

Public Works Director Gathmann reported that the Fire department would be doing some training exercises on the Dobson property. He also discussed with the Council SHB 1614, Reducing the Amount of Petroleum Pollution in Stormwater.

Police Chief Crannell reported that the police activity report for February is in the packet. The DARE graduation is scheduled for this Friday at 2:00 p.m. Also, Community Services Officer Lerma received a \$1,000 donation from Wal-Mart for the crime prevention program. Lastly, Property/Evidence Technician Risen was selected to serve on the SMART team.

**AUDIENCE COMMUNICATION:**

There were no comments from the audience.

**RECESS TO EXECUTIVE SESSION:**

The meeting recessed to executive session at 8:10 p.m. to discuss potential litigation for approximately 10 minutes. The executive session ended at 8:17 p.m.

**ADJOURNMENT**

**MOTION: Mayor Pro Tem Bennetts made a motion to adjourn the meeting; Councilmember Harmsworth seconded the motion. The motion passed unanimously.**

Meeting was adjourned at 8:18 p.m.

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Terry Ryan, Mayor

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Kelly Chelin, Executive Assistant/City Clerk