



CITY COUNCIL MINUTES

April 28, 2009

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

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

April 28, 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.

AUDIENCE COMMUNICATION

Herbie Martin
14119 42nd Avenue SE
Mill Creek, Washington 98012

Mr. Martin spoke to an incident that occurred at the Thomas Lake Albertsons store. He was leaving the store with his wife and a Mill Creek Police Officer was blocking his car. Mr. Martin contacted the Police Department to find out why the officer was blocking his car. The Police Chief conducted an investigation. Mr. Martin submitted additional questions for the Chief that were submitted for the record. Mr. Martin told the Council that he felt he had been mistreated and he would like to be treated equally and fair.

Mayor Ryan stated that Mr. Martin's questions would be forwarded to the City Manager who will work with the Police Chief on a response. The Council will be copied on the response to Mr. Martin.

PRESENTATIONS

Employee of the Quarter for January to March, 2009:

Kim Mason-Hatt, Administrative Assistant

City Manager Burns presented a certificate to Administrative Assistant Kim Mason-Hatt.

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.

City Attorney Contract

(Timothy W. Burns, City Manager)

Scott Missall of Short Cressman & Burgess has served as City Attorney for the City since August 1988. The City Attorney is seeking to extend the contract until December 31, 2010 and revise the rates. The proposed new rate structure has been negotiated with the City Manager and will generally discount the rates charged to the City between fifteen (15%) and twenty-four percent (24%) from the firm's regular rates commencing January 1, 2009, and would limit annual increases thereafter to four to five percent for 2010.

After some discussion by the Council and staff, this agreement will be placed on the consent agenda later in the evening for approval.

Ordinance Approving Amendments to the Comprehensive Plan Eliminating Use of or References to the City's Internal UGA Boundary (If adopted, would take Ordinance #2009-695)

(Tom Rogers, Planning Manager)

At the March 24, 2009 Council meeting, the City Council adopted Resolution 2009-424 approving the City's existing MUGA boundary for all GMA planning purposes, and eliminating use of or references to the City's internal UGA boundary, and directing the Planning Commission to hold appropriate hearings for the purpose of recommending to the City Council any further action necessary.

Pursuant to the City Council Resolution, the Planning Commission conducted a public hearing on April 16, 2009, to consider proposed amendments to the Comprehensive Plan.

Planning Manager Rogers and City Attorney Missall explained a few minor revisions to the ordinance. Discussion took place between the Council and staff. After the discussion concluded, the consensus was to place the ordinance on the action agenda later in the evening.

Mayor Ryan stated for the record that the Council Interview Committee (Councilmember Harmsworth, Councilmember Todd and Mayor Ryan) needed more time to discuss the Planning Commission applicants and asked for a 10 minute break.

The Council took a break from 7:35 p.m. to 7:45 p.m.

Mayor Ryan noted for the record that there will be an executive session, after audience communication, to discuss potential litigation for approximately 15 minutes.

AUDIENCE COMMUNICATION

Lisa Quall

14830 17th Court

Mill Creek, Washington 98012

Kelly Gasparich

4430 144th SE

Snohomish, Washington 98296

Larry Landin
14830 17th Court
Mill Creek, Washington 98012

Ms. Quall and Ms. Gasparich are the owners of Elegant Clutter. They asked the City for a variance to the sign code to allow a sign on Mill Creek Blvd. The City denied the request. They are asking for an waiver to the sign code, especially due to the economic situation. They asked why other businesses in the City get exceptions. They stated that it's hard to see their business from the road.

Mayor Ryan stated that the City Manager will work with staff to provide a response. City Attorney Missall explained for the record that the options for Ms. Quall and Ms. Gasparich are to either appeal the decision by the Community Development Director through the City's appeal process or ask the Council to look into revisions to the sign code.

EXECUTIVE SESSION:

The meeting recessed to executive session at 7:55 p.m. to discuss potential litigation for approximately 15 minutes. The executive session ended at 8:04 p.m.

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 #42168 through #42239 and ACH Wire Transfer in the Amount of \$336,206.91.
(Audit Committee: Councilmember Bond and Mayor Ryan)

Approval of ACH Automatic Deposit in the Amount of \$126,117.04.
(Audit Committee: Councilmember Bond and Mayor Ryan)

Regular City Council Meeting Minutes of April 7, 2009

Regular City Council Meeting Minutes of April 14, 2009

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

Authorize the City Manager to Execute the City Attorney Agreement

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

ACTION ITEMS:

Appoint Two Members to the Planning Commission
(City Council Interview Committee)

The Council Interview Committee (Councilmember Todd, Councilmember Harmsworth and Mayor Ryan) interviewed 3 applicants.

MOTION: Mayor Ryan made a motion to appoint John Reese and Mark Oostra to the Planning Commission with 3-year terms, Councilmember Todd seconded the motion. The motion passed unanimously.

*The following item was added to the action agenda from the earlier study session:
Ordinance Approving Amendments to the Comprehensive Plan Eliminating Use of or References to the City's Internal UGA Boundary (If adopted, would take Ordinance #2009-695)
(Tom Rogers, Planning Manager)*

Planning Manager Rogers recommended approval of the ordinance.

MOTION: Councilmember Todd made a motion to approve Ordinance #2009-695 as presented this evening with corrections approving amendments to the Comprehensive Plan eliminating use of or references to the City's internal UGA boundary, Mayor Ryan seconded the motion. The motion passed unanimously.

REPORTS:

Councilmember Todd stated that after reviewing the minutes from the Planning Commission meeting, he would like the Council to have a chance to discuss Low Impact Developments (LID). He believes Council should make a policy decision before further review with the Planning Commission.

Councilmember Voss asked staff about the public comments from tonight's meeting.

City Manager Burns relayed that staff will work on responses to Mr. Martin and to the owners of Elegant Clutter.

Councilmember Harmsworth asked about the decision from the courts to allow Kits Camera to have Going Out of Business signs.

City Attorney Missall answered that the bankruptcy courts do have authority to allow Kits Camera to have signs even if the City's code does not.

Finance Director Manuel reported that the budget books will be available in one week.

Planning Manager Rogers reported that the code enforcement activity report was included in the Council's packets.

Public Works Director Gathmann handed out a sample letter of support for the Council's consideration. The letter would support the Community Transit Bus Rapid Transit Alternatives Analysis. The City's cost share would be \$4,050.

MOTION: At 8:30 p.m., Mayor Ryan made a motion to extend the meeting to 8:45 p.m., Councilmember Voss seconded the motion. The motion passed unanimously.

Public Works Director Gathmann stated that he could bring this back to the next meeting for further discussion. Councilmember Todd suggested that maybe a Community Transit representative could attend the meeting.

AUDIENCE COMMUNICATION:

There were no comments from the audience.

ADJOURNMENT

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

Meeting was adjourned at 8:37 p.m.

Terry Ryan, Mayor

Kelly Chelin, Executive Assistant/City Clerk