



CITY COUNCIL MINUTES

May 5, 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

May 5, 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

Pam Pruitt
14429 28th Drive SE
Mill Creek, Washington 98012
Cottonwood Division

Ms. Pruitt spoke about the park district. She believes a park district is the better choice to fund a senior center. She explained that this provides a dedicated source of funds and has the best chance for success.

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.

Senior Center Discussion (Continued)
(Timothy W. Burns, City Manager)

At the April 7th meeting, Council had proposed a motion to direct the City Manager to work with Snohomish County staff to pursue the creation of a Metropolitan Park District (MPD) to fund development of a Senior Center (located within the Mill Creek Municipal Growth Area), and develop a final plan by April 2010. The City Manager requested the Council to delay the vote on the motion in order to allow the City Manager to develop the parameters of the "final plan" that will be presented to the Council in April 2010.

Staff is proposing the final plan consist of the following:

- Name and mission statement of MPD
- Formation of MPD...resolution or petition method

- Identify proposed boundaries of the MPD to be presented to the Boundary Review Board
- Planning documents to include conceptual design drawings for the senior center
- Proposed location of senior center
 - *Identify site constraints...environmental...traffic...other
- Recommended composition of MPD Board of Directors
- Recommended text of ballot for MPD
 - *Creation of MPD
 - *Board composition
 - *Proposed levies...capital...O&M
- MPD staffing and administration expenses
- Costs and funding source to place on ballot

Should additional parameters or significant decision points need to be addressed prior to April 2010, then staff would present these to the council at future meetings.

Council and staff engaged in discussion. City Manager Burns reiterated that this would be a collaborative effort with the County staff.

MOTION: Mayor Ryan made a motion to direct the City Manager to work with Snohomish County Administration and pursue creation of a Metropolitan Park District to fund the development of a Senior Center to be located within the Mill Creek Mutual Urban Growth Area; and further direct the City Manager to present a final plan, as outlined in tonight's agenda, and summary to the City Council (and Snohomish County Council) at its first meeting in May 2010, with intent to place the approval of the Metropolitan Park District on the 2010 November general election ballot; or the spring 2011 ballot; and further direct the City Manager to make quarterly progress reports to the City Council, Councilmember Harmsworth seconded the motion.

AMENDMENT TO THE MOTION: Councilmember Michelson made an amendment to change the word mutual to municipal, Councilmember Voss seconded the amendment. The motion passed unanimously.

Councilmember Voss asked the Council to delay the vote on this motion until the full Council has had an opportunity to hear a presentation from the City's Finance Director on the funding options. Discussion took place about this request.

MOTION: Councilmember Todd made a motion to table this issue in order to have a short presentation by the City Manager, Finance Director and Bond Counselor with the plus and minuses on a park district and whether to go forth on this issue at next week's meeting, Councilmember Voss seconded the motion. The motion passed unanimously.

This agenda item is tabled to the next meeting.

(Camille Chriest, Senior Planner)

In November 2007, the City of Mill Creek was chosen by the Puget Sound Partnership, a state agency dedicated to the cleanup and restoration of the Puget Sound, to receive free technical assistance to incorporate Low Impact Development language and techniques into the City's regulations.

Low Impact Development (LID) is an approach to developing land and managing stormwater that more closely replicates natural hydrology (or movement of water). When trees are cleared and replaced by buildings, roads, parking areas and lawns, rainfall becomes stormwater runoff, carrying pollutants to nearby waters. LID techniques and measures help communities more efficiently and effectively manage stormwater to better protect their water resources from pollutants such as petroleum products, fertilizers, heavy metals, pet waste, and sediments. In addition, LID techniques can help mitigate high winter stormwater flows that cause flooding, damage to property, and destruction of wildlife habitat.

Over the past year, City staff has worked with the Puget Sound Partnership and AHBL, a consulting and engineering firm, to review the City's existing regulations and development standards and prepare proposed revisions to the City's code. At the March 19, 2009 Planning Commission meeting, staff presented the proposed code language to the Commission for review and discussion. Based on the Commission's recommendation at that meeting, staff has strengthened the code language so that LID techniques are required when site and soil conditions make LID a feasible alternative.

The next step in the process will be for the Planning Commission to hold a Public Hearing at its June 18, 2009 meeting to consider the proposed amendments incorporating LID into the code. At that time, they will make a recommendation and then forward the amendments to City Council for review and action at a later date.

Council engaged in a discussion. The Council asked that the code language include the word "encouraged" when speaking about LID's. They do not want any language that would state that LID's are required. Senior Planner Chriest stated that she would pass this onto the Planning Commission at their June 18, 2009 meeting.

Larry's Smokehouse Transaction Update

(Bill Trimm, Community Development Director)

The old Larry's Smokehouse structure (14527 Bothell-Everett Highway) has been vacant for several years. The property is zoned Medium Density Residential, but because of access and stream/wetland issues, it has very limited development potential. The building has been the target of vandalism and is in poor condition. In 2007, the property owner expressed an interest in donating the property to a public agency or another organization so that the site on which the building is located can be restored to a more natural condition.

On February 13, 2007, the City Council was presented with a proposal from the Adopt-A-Stream Foundation (AASF) regarding demolishing the existing building and restoring the riparian area of the stream. The proposal was for AASF to accept the property from its current owner, apply for grants to remove the structure and restore the site if the City of Mill Creek agreed to accept the property after the building is demolished and the property is restored. In March, the Council directed staff to obtain

a Phase I Environmental Audit prior to making a decision on whether to take an ownership interest in the property. The assessment revealed evidence of no recognized environmental conditions in connection with the property. Staff has been working with AASF and the property owner to complete the property transfer subject to conditions discussed previously with the Council. The property owner will "donate" the property to AASF subject to the existing taxes (about \$1,200 total). The AASF will be responsible for paying the taxes and the property owner will provide an environmental indemnification to AASF. The transaction will be tax free to Clevin (i.e., it will be REET-exempt) because it is a gift transaction as far as state tax law is concerned. After AASF gets title to the property, it will use its grant funds to remove the structure and any other objects, perform any required clean up, and restore the property and the adjacent stream bank to a natural condition. The City will "purchase" the property from AASF for the amount of the existing taxes, plus 1.73% of that amount for REET (collectively, the "Purchase Price"). This transaction is not REET-exempt because there is a price, but the REET will be calculated only on the Purchase Price of \$1,200, so the amount will be minimal. AASF is required to give an environmental indemnity to the City.

Overall, the outcomes of the transactions are that the property owner will be relieved of any obligation to pay the taxes owing in exchange for giving up title to the property. The AASF will get fee simple title to the property for free, and will then use its grant funds to remove the house and restore the property and stream bank to a natural condition. AASF will thus also incur the environmental liability related to all that work, if any. The City will obtain fee simple title to cleaned and restored property for very minor "consideration," but the fact that the City paid at all will strengthen the City's ownership rights and the ability to rely on the environmental indemnification it will get from AASF. Also, by doing the transaction in this form, there are no legal limits on the use the City may make of the property in the future, even though the current intent is to keep it in open space in perpetuity.

Community Development Director Trimm reported that this study session was scheduled as an update only and to answer any questions or concerns from the Council.

AUDIENCE COMMUNICATION

There were no comments from the audience.

ADJOURNMENT

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

Meeting was adjourned at approximately 7:37 p.m.

Terry Ryan, Mayor

Kelly Chelin, Executive Assistant/City Clerk