



CITY COUNCIL MINUTES

June 2, 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

June 2, 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

There were no comments from the audience.

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.

Contract Award for Annex Remodel for Northshore Senior Center (Tom Gathmann, Public Works Director)

In February, the City Council made an offer to the Northshore Senior Center to utilize space in the City's Annex Building to house their Mill Creek branch activities. Northshore accepted the offer and City staff has worked with their representatives over the past two months to develop a general layout of the available space.

City staff proposes to utilize the City's "on-call" contractor to perform this work. This approach will expedite the completion of the work and eliminate the need to hire an architect to professionally prepare plans and specifications for bidding. The work orders necessary to complete the proposed remodel work have a not-to-exceed total cost of \$39,299.11 including sales tax. The work orders are time and materials based, so the cost may be less than \$39,299. An additional \$3,504 will be spent on locking systems, but that work will be performed by a separate locksmith contractor.

The On-Call Construction Services Contract includes a clause that the price for each work order cannot exceed \$30,000. The City Attorney has indicated that the primary reason for this limit is to match the City's purchasing policy where all construction contracts over \$30,000 must be awarded by City Council. Since this contract is being awarded by Council, staff is also requesting a one

time waiver of that \$30,000 contract limitation clause.

Discussion took place with staff and Council.

MOTION: Councilmember Todd made a motion to waive the \$30,000 work order limitation in the City of Mill Creek Contract No. 2008-771 On-Call Construction Services Contract for the Annex Remodel and approve the work order for the Annex Remodel for the not-to-exceed amount of \$39,299.11 including sales tax, to be paid from fund 145, Councilmember Michelson seconded the motion. The motion passed unanimously.

Veterans Memorial Update

(Tom Gathmann, Public Works Director)

In December 2008, the Council directed the Arts and Beautification Board to explore options for the purchase and placement of a Veterans Memorial in Mill Creek. In April, staff reported to Council that the Boards jointly recommended the Library Park as the location of the Memorial. The general theme/design of the Memorial is a flag pole on a raised base in a courtyard of engraved brick pavers.

If Council supports this location and these design concepts the Public Works Department will work with the Arts and Beautification Board to prepare project design and bidding documents. Although the schedule is challenging, there is a possibility the Memorial could be completed in time for a dedication this fall on Veterans Day. Before issuing a contract for construction of the Memorial the final design will be brought to Council for review.

Discussion took place with staff and Council.

MOTION: Mayor Ryan made a motion to approve locating the Veterans Memorial at Library Park and authorize staff to work with the Arts & Beautification Board on a final design with the goal of completion for a 2009 Veterans Day dedication, Councilmember Michelson seconded the motion. The motion passed unanimously.

Mill Creek Sports Park Expansion Master Plan

(Bill Trimm, Community Development Director)

At the February 2008 Legislative Retreat, Council directed staff to begin preparation of a master plan for the future expansion of the Mill Creek Sports Park. In March 2008 the City closed on the two parcels situated north of and adjacent to the current sports park (Dobson and Remillard properties). Following a consultant selection process in May 2008, the City selected Hough Beck & Baird (HBB) to provide design services for the preparation of a master plan for the park expansion. Staff negotiated a design process and budget for the preparation of a preferred master plan.

At the September 2, 2008 City Council study session, staff presented the master plan process and design budget for consideration and authorization to proceed. Council, however, stated that they wanted to have a general idea of the construction cost for a design alternative that maximized baseball and soccer use prior to authorization of a contract.

The proposed master plan process is designed as a participatory process that engages user groups, the City Park and Recreation Board and the City Council. The intent of the process is to establish design objectives, understand fiscal and physical constraints and opportunities, prepare three design alternatives and select a preferred alternative that would be presented to the state for funding. In accordance with this intent, HBB and staff have prepared a schedule that would complete the master plan in time for the 2010 Recreation and Conservation Office (RCO) grant funding cycle.

Community Development Director Trimm reported that the overall cost to complete the master plan process, including engineering fees, would be \$174,055. The CFP allocated \$650,000 in 2009-2010 for planning and design of the sports park. He explained that if the Council chooses to proceed, staff will have a contract ready for review and authorization in July with the process scheduled to be complete in February 2010. Lastly, Director Trimm recommends that the City Council authorize the City Manager to execute a contract with HBB for the preparation of a detailed master plan for expansion of Mill Creek Sports Park.

Council discussed the need for a completed master plan in order to secure grant funding. Collie, from HBB joined the table for the discussion.

Due to the timing and funding restraints facing the City, the consensus of the Council was not to move forward with the preparation of a master plan at this time.

Policy to Establish a Memorial Program

(Bill Trimm, Community Development Director)

Community Development Director Trimm explained that Council had asked staff to prepare a policy to formalize a program for dedicating items such as benches and trees. Further, these kinds of items have become an increasingly popular way to remember and pay tribute to loved ones, celebrate a special event, or honor a person or organization that has made a difference in the community.

Council reviewed a draft policy for a memorial program and discussed with staff. After review, the consensus was to have staff incorporate the Council's recommendations, and bring this policy back for further discussion at a future meeting.

Elegant Clutter Sign Code Appeal – Review of Hearing Procedures

(Scott Missall, City Attorney)

On April 24, 2009, Community Development Director Bill Trimm issued an administrative decision under MCMC 14.03.020, 14.09.010, and 17.26.080.A denying a request by the owners of Elegant Clutter to place a temporary business sign in a location not authorized by the Municipal Code. On May 11, 2009, the owners of Elegant Clutter timely appealed the Director's decision. Under MCMC 14.03.030.B.5, the City Council is charged with hearing and deciding the appeal. On May 26, 2009, the City Council set the date for the appeal hearing for its June 9, 2009 Council meeting.

City Attorney Missall explained that because the City Council does not frequently sit in its quasi-judicial capacity, the City Attorney would like to review the hearing procedures and rules with the Council, outline the Council's legal task, and answer any procedural questions the Councilmembers may have.

Councilmember Bond asked about whether the Council could use a hearing examiner to hear and decide this appeal.

Council discussed the use of a hearing examiner and costs associated.

MOTION: Councilmember Bond made a motion to refer this matter (Elegant Clutter Appeal) to a hearing examiner for purposes of performing Council's obligations under the code, Mayor Pro Tem Bennetts seconded the motion.

AMENDMENT TO THE MOTION: Councilmember Voss made an amendment to the motion to add the words "whatever the decision of the appeal is, the City will pay all costs for this case only", Mayor Ryan seconded the motion. The motion passed unanimously.

Councilmember Harmsworth stated for the record that he would be voting against this motion and believes it's too late in the process to turn this matter over to a hearing examiner.

ORIGINAL MOTION: The motion passed 6-1-0 with Councilmember Harmsworth opposed.

ACTION ITEMS:

Planning Commission Mid-Term Appointment

(Timothy W. Burns, City Manager)

Interviews were conducted to fill two regular vacancies on the Planning Commission in April, with three applicants applying for the two positions. On April 28, 2009, the City Council reappointed the incumbent, Jon Reese, to another term and appointed Mark Oostra to fill the other vacant position.

A recent resignation on the Planning Commission has created a mid-term vacancy, which expires on April 30, 2010. As interviews were so recently conducted, staff is asking whether Council would like to appoint the other applicant, Steve Abel, or if Council would prefer to re-advertise to solicit volunteers interested in filling this mid-term vacancy and conduct interviews later this month or early July.

Council discussed the appointment.

MOTION: Councilmember Todd made a motion to appoint Steve Abel to the Planning Commission for the mid-term appointment expiring April 30, 2010, Councilmember Voss seconded the motion.

Council discussed this further and the possibility of re-advertising for the position.

MOTION VOTE: The motion failed 1-6-0 with Mayor Ryan, Councilmember Harmsworth, Councilmember Todd, Councilmember Voss, Councilmember Michelson and Councilmember Bond opposed.

Staff will re-advertise for the position and this appointment will be placed on an upcoming Council agenda.

AUDIENCE COMMUNICATION

There were no comments from the audience.

ADJOURNMENT

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

Meeting was adjourned at approximately 8:10 p.m.

Terry Ryan, Mayor

Kelly Chelin, Executive Assistant/City Clerk