



CITY COUNCIL MINUTES

October 27, 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

October 27, 2009
Regular City Council Meeting
6:00 p.m.

CALL TO ORDER

Mayor Ryan called the meeting to order at 6:10 p.m.

ROLL CALL

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

AUDIENCE COMMUNICATION

Darlene Weber
Manager of Mill Creek Library
1913 Oakes Avenue
Everett, Washington

Ms. Weber spoke about the Sno-Isle levy increase and explained that this is for operations only and will not be used for a new building. If the levy doesn't pass, there will be a reduction in hours at the library. She also invited Council to an open house on November 6, 2009 at 7:00 p.m. at the library.

PRESENTATIONS

Proclamation Congratulating Employee Award Winners
(City Council)

Mayor Ryan read the proclamation honoring:
Jodie Gunderson, Employee of the Year
Kyle Hughes, Officer of the Year
Steve Smith, Larry F. Davis Award

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.

Review Sign and Banner Regulations
(Tom Rogers, Planning Manager)

At the October 6 and 13, 2009 City Council meetings, the City Council and staff discussed the City's existing regulations applicable to issuing temporary permits for noncommercial banners. (This was in response to a citizen's request to Mayor Ryan and subsequent Council and staff discussions.) The existing regulations prohibit issuing a permit within 60 days of a previously issued permit. Theoretically, the regulations allow up to six noncommercial banner permits sixty days apart during a calendar year. The concern was the required 60 days between issuing temporary banner permits limits the ability of nonprofit organizations to provide information to the community about community events scheduled less than 60 days apart. One example would be food donation events for both Thanksgiving and Christmas holidays. To address this issue, the City Council discussed the possibility of revising the regulations to remove the requirement for 60 days between permits, and instead, limit the total number of permits that can be issued in a year. Following the discussion, the City Council directed staff to prepare a pilot program for Council consideration.

Based on the Council's direction, staff has prepared an Ordinance that would establish a pilot program revising the regulations applicable to issuing temporary permits for noncommercial banner permits. The pilot program will:

- 1) Eliminate the provision in the regulations that requires temporary permits for noncommercial banners to be issued a minimum of 60 days from the issuance of a previous permit for a temporary noncommercial banner;
- 2) Add a provision that limits the issuance of temporary noncommercial banner permits to a maximum of six (6) times per calendar year;
- 3) Establish a pilot program for the duration of one year of the effective date of the ordinance, or until December 31, 2010, whichever date is later; and
- 4) Direct staff to (i) publicize the limited and temporary nature of this pilot program and its conditions, (ii) enforce this ordinance pursuant to its terms, (iii) gather data and information related to the pilot program, including information on the effect of the temporary amendments to MCMC 17.26.080.C.1 on public safety, aesthetics and other relevant factors, and (iv) report to the Council concerning the results of the pilot program, including the information obtained and findings made during the program along with any conclusions and proposed recommendations for permanent changes to MCMC Chapter 17.26.

Councilmember Michelson asked whether or not the Council would be willing to consider waiving the fee for the banner permits. Staff will bring that back as a separate discussion at a future meeting.

Council engaged in a discussion about the proposed pilot program. This item will be added to the consent agenda later in the evening.

Interlocal Agreement for Fleet Maintenance and Repair

(Lance Davenport, Police Commander)

The police department began contracting maintenance and repair work with Snohomish County in 2002. At that time, it was determined that Snohomish County could perform both routine and major repairs to police department vehicles in conjunction with, and as an alternative to, private repair facilities. The police department utilizes several vendors to accomplish both routine maintenance and major and minor repairs. Which vendor used is determined by cost, specialty or urgency.

The Interlocal Agreement will become effective upon execution by both parties and continue until December 31, 2010. Upon agreement by both parties, the original agreement may be extended for up to four additional terms of one year.

Pursuant to terms of the Agreement, beginning in 2010, Snohomish County will charge the City a labor rate of \$89.92 per hour and cost plus 50% for County inventoried parts. These rates are both comparable and competitive with private repair facilities. The Agreement does not define future increases as those will be addressed and presented in future amendments beginning in 2011.

The 2008 labor costs were \$84.70, and County inventoried parts were billed at cost plus 48%. Forthcoming, Snohomish County will be offering participation by the City at their recently constructed Cathcart fuel depot. The police department, based on the estimated cost, will not routinely fuel at this location, however during an emergency, i.e a power outage, City vehicles including Public Works, could use this option due to the facility having alternative / back up power. It is anticipated that this option will be made available in late 2009 or in early 2010.

Council engaged in a discussion about the interlocal agreement. The Council had further questions about the increase in labor costs and vendor comparisons. Staff will bring this agreement back at the next meeting for further discussion.

Veterans Memorial Plan

(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. The Board formed a Veterans Memorial Subcommittee that has met monthly in 2009 and periodically coordinated decisions with the Park and Recreation Board. In April, staff reported to Council that the Boards jointly recommended the Library Park as the location for the Memorial. This park is centrally located, has good visibility and high usage due to the Library traffic, and will have ample parking on Veterans Day and Memorial Day when the Library is closed. The location was further refined to occupy an area immediately east of the sidewalk at the southeast corner of the main parking lot. This site is close enough to the sidewalk that pedestrians will be able to easily view the Memorial details, yet will not impact the Library or children's play area.

The Veterans Memorial will consist of a central flagpole in a raised concrete planting bed on a paved courtyard surrounded by planting beds. Six basalt columns will form a semi-circle around the flagpole on the paved courtyard. Each column is about six feet high and two-feet in diameter and will have three highly polished faces on which the names of veterans will be engraved.

A formal ground breaking ceremony is scheduled for noon on Veterans Day, Wednesday, November 11, 2009. A number of companies have pledged or already donated services and/or physical components of the Veterans Memorial. Jessi Bloom of Northwest Bloom has led the design effort and invested many hours in the project, including attending most of the subcommittee meetings and securing the donation of the six basalt columns from Clearview Nursery & Stone. Our legal firm of Short Cressman & Burgess has pledged to donate the flagpole; Hough-Beck & Baird has provided the artist's rendition, and Sculpture on the Rocks, the firm cutting and polishing the basalt columns, has deducted \$1,500 from the cost as a donation. The installation of the lighting system for the flagpole, the pavers, concrete work, plantings and final placement of the basalt columns is estimated to cost between \$15,000 and \$20,000.

The total cost to the City will be approximately \$35,000.

It should be noted that a separate project will address the fact that portions of Library Park do not drain well, including the location of the Memorial. A subdrain system will be installed prior to installation of the Memorial. This is included in the scope of Project P-29 in the 2009-2015 Capital Facilities Plan that has an overall budget of \$100,000 in the 2009-2010 budget.

This presentation is meant to be informational only.

Snohomish County Tomorrow 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 #43236 through #43334 ACH Wire Transfer in the Amount of \$335,912.85.
(Audit Committee: Councilmember Michelson and Councilmember Bond)

Approval of ACH Automatic Deposit in the Amount of \$133,276.90.
(Audit Committee: Councilmember Michelson and Councilmember Bond)

City Council Meeting Minutes of October 6, 2009

City Council Meeting Minutes of October 13, 2009

Cancel November 3, 2009 Regular Council Meeting Due to Election Day

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

Ordinance Adopting a Pilot Program Amending the Code Requirements for Temporary Permits for Noncommercial Banners (MCMC 17.26.080.C.1) (If adopted, would take Ordinance #2009-704)

Mayor Ryan noted a few changes to the October 13, 2009 Council meeting minutes for the record.

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

ACTION ITEMS

Ordinance Adopting Comprehensive Plan and Development Code Amendments (If adopted, would take Ordinance #2009-705)
(Camille Chriest, Senior Planner)

At the September 22 and October 13, 2009 study sessions, the City Council reviewed amendments to the Comprehensive Plan. The amendments consisted of “housekeeping” amendments initiated by the City to ensure consistency between the City’s Comprehensive Plan and the Snohomish County General Policy

Plan and amendments proposed by the Everett School District, described briefly below:

City-Initiated Amendments

- a) Amendments to the Land Use Plan to adjust the Municipal Urban Growth Area (MUGA) for property located on the east side of 43rd Avenue S.E. between 180th Street S.E. (on the north) and 188th Street S.E. (on the south). This area includes what is commonly known as the Sturgell property. The net result would be an increase of 36.6 acres to the City's MUGA. In addition, the land use designations within the City's MUGA will be revised to Low Density Residential (LDR).
- b) Amendments to the Land Use Plan to change the underlying land use designation from Low Density Residential (LDR) to Neighborhood Business (NB) on 2.2 acres located on the northeast corner of Seattle Hill Road and 35th Avenue S.E.
- c) A minor amendment to the City of Mill Creek/Bothell common MUGA boundary. The proposed amendment is to adjust the southern boundary of the City's MUGA, generally located along the 196th Street S.E. right-of-way to be consistent with the City of Bothell's adopted MUGA boundary.

Property-Owner Initiated Amendment

The Everett School District applied for a Comprehensive Plan Amendment to the Land Use Plan to change the underlying land use designation for a 17.44 acre property located at the southeast corner of SR 527 (Bothell-Everett Highway) and Seattle Hill Road, between Seattle Hill Road and 173rd Street S.E. The request is to amend the City's Comprehensive Plan Land Use Plan designation on the subject property from Medium Density Residential to Mixed Use/High Density Residential, including text amendments to the Comprehensive Plan and Mill Creek Municipal Code to support the change. The site is outside of the City of Mill Creek city limits, but within the City's MUGA. Thus, the proposed amendments would only apply if the property is annexed to the City.

At the September 22, 2009 study session, the City Council requested additional information for the Everett School District site to evaluate the building height issue. Pursuant to the Council's direction, at the October 13, 2009 study session, staff presented photographs illustrating the adjacent land uses and vegetation on the site and cross sections (prepared by the applicant) showing the potential structure heights relative to the existing single-family neighborhoods. After reviewing the additional materials and presentation made by staff and further deliberation, Council directed staff to prepare an ordinance approving the Comprehensive Plan amendments as recommended in the Staff Report for consideration at a future Council meeting.

MOTION: Councilmember Voss made a motion to approve Ordinance #2009-705, Approving Amendments to the Comprehensive Plan and Development Code Amendments, Councilmember Michelson seconded the motion. The motion passed unanimously.

Appoint Two Members to the Park and Recreation Board with Terms Expiring October 31, 2012

(Council Interview Committee: Councilmember Bond, Councilmember Harmsworth and Councilmember Todd)

Councilmember Todd stated that the interview committee interviewed six well-qualified applicants.

MOTION: Councilmember Todd made a motion to appoint Gordon Keene and Richard Austin to the Parks and Recreation Board with Terms Expiring October 31, 2012, Councilmember Bond seconded the motion. The motion passed unanimously.

Ordinance to Amend MCMC Chapter 3.42.180 to Remove Fees for Tree Removal Permits (If adopted, would take Ordinance #2009-706)

(Landy Manuel, Finance Director)

The City's current process to obtain a tree removal permit includes a \$50 fee that may or may not be refunded depending on if the tree is dead, diseased or poses a hazard. The purpose of the fee is to offset the cost of staff time to review the permit. At the time the fee was established the exemption from the fee was added to help offset the property owner's cost of removing the tree. Many of the fees are indeed refunded, 103 in 2007 out of 117, and 56 out of 103 in 2008. The process to obtain a permit and refund the fee is confusing/bureaucratic to the public and onerous to administer for both the planning and finance departments. Each application/permit involves about two hours of building department time (refunded or not refunded) and about fifteen minutes of finance time for each refund. On average a refunded permit costs the City about \$58.00 in wages plus overhead, slightly less if not refunded.

This ordinance was discussed in detail at the October 6, 2009 meeting and the consensus at that meeting was to eliminate the \$50 fee (for healthy, diseased or hazardous trees) but that permits would still be required.

MOTION: Councilmember Harmsworth made a motion to approve Ordinance #2009-706, Amending MCMC Chapter 3.42.180 to Remove Fees for Tree Removal Permits, Councilmember Bond seconded the motion. The motion passed unanimously.

REPORTS

Councilmember Todd reported that he attended the last Community Transit board meeting and the board is working on the 2010 budget. He also reported that November 29, 2009 is the date for the Swift Bus Rapid Transit Celebration.

Councilmember Voss reported that the Arts and Beautification Board held an art opening for Ken Long last night. She thanked Administrative Assistant Kim Mason-Hatt for all her work putting the event together. Ken's paintings will be in the lobby at City Hall for the next 4 to 5 months.

City Manager Burns reported that he will be out of the office Wednesday through Friday of this week and the Acting City Manager will be Finance Director Landy Manuel.

Community Development Director Trimm reported staff is working with the Park and Recreation Board about the Parks and Recreation open space element in the Comprehensive Plan. Staff will be holding an Open House related to this on November 28, 2009 at 5:00 p.m. at City Hall. Also, the binding site plan amendment to the Rivendale condominiums will be rescheduled to the November 19, 2009 Planning Commission meeting and will come to the Council for consideration in December. Lastly, the City received a \$29,000 award from the Department of Commerce in order to expedite the updates to the Comprehensive Plan.

Public Works Director Gathmann reported that the raised pavement markers on Main Street have been replaced. He also reported that the entrance to City Hall will receive a makeover by the Garden Club and work will commence soon. The repairs on 35th Avenue have been completed. Lastly, the HVAC system repairs to City Hall have also been completed.

AUDIENCE COMMUNICATION

Al Gingras

4305 136th Street SE

Mill Creek, Washington 98012

Mr. Gingras spoke about the construction signs in the Blue Meadows division where he lives. He asked for the code enforcement staff to take a look at the signs and see if they meet code.

RECESS TO EXECUTIVE SESSION:

(Confidential Session of the Council per RCW 42.30)

At 7:53 p.m., the Council recessed to executive session to discuss litigation for approximately 15 minutes. No action will be taken.

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 approximately 8:14 p.m.

Terry Ryan, Mayor

Kelly Chelin, Executive Assistant/City Clerk