



## CITY COUNCIL MINUTES

February 2, 2010

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

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Mike Todd, Mayor  
Donna Michelson, Mayor Pro Tem  
Terry Ryan  
Kathy Nielsen  
Bart Masterson  
Mark Harmsworth  
Mark Bond

**February 2, 2010**  
**Regular City Council Meeting**  
**6:00 p.m.**

### **CALL TO ORDER**

Mayor Todd 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**

Charlie Gibbons  
1215 146<sup>th</sup> Court SE  
Mill Creek, Washington 98012

Mr. Gibbons spoke about the Mill Creek Business Association. He believes that Councilmember Ryan is the best choice to serve as the City representative/liaison to the association.

Carol Spate  
15914 B Village Green Drive  
Mill Creek, Washington 98012

Ms. Spate spoke about the new community group in Mill Creek called "Mill Creek Conversations". The first meeting of the group is February 24, 2010 from 7:00-8:30 p.m. at the City Annex Building. Ms. Spate invited the Council to attend and left flyers about the meeting.

Roy DeSoto  
6633 180<sup>th</sup> Street  
Snohomish, Washington

Mr. DeSoto asked the Council to consider removing the bollards on the east exit of the Library parking lot. He believes this will help with traffic during events at the library. (A letter was sent to the Public Works Department who will respond to this request.)

## **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.*

### Code Enforcement Administration

*(Bob Crannell, Police Chief)*

Chief Crannell explained that the Police Department and the Department of Community Development are proposing municipal code amendments reassigning the enforcement of selected codes contained with MCMC Titles 14 and 17 from the Department of Community Development to the Police Department.

The proposed changes contain no legal barriers, and are statutorily allowed within the authority of local governmental bodies to change this responsibility from their historic practice. Currently, under MCMC Titles 14 and 17, enforcement of these codes are borne by the Department of Community Development. Due to a growing community, geographic expansion and available staff, over the last several years the enforcement and investigative responsibilities have fallen upon various staff members who provide this service as a collateral job duty and/or as a temporary assignment. Further, due to the aforementioned factors, investigation of violations under these codes was limited to a “complaint received” basis only. This practice merely meets that minimal service expectations of this responsibility, but falls significantly short of proactive and consistent attention.

Through discussion and research, the Police Department and the Department of Community Development agree that code enforcement responsibilities would be better served under the authority of the Police Department. The Police Department is better equipped to conduct investigations, have the ability and environment to schedule staff at a variety of days and times, and currently have contractual personnel readily available for both prosecution and adjudication. These responsibilities would be limited to routine and low-level violations only. The Department of Community Development would retain enforcement authority for more complex violations and investigations.

The Police Department is proposing assigning code enforcement responsibility to the Police Support Officer. This position holds a limited commission and can issue both civil infractions and criminal citations for violations of city municipal codes and specific RCWs. Further, since this position performs a majority of their duties in the field, enforcement and education would be more consistent, timely and proactive.

Enforcement protocols would be cooperatively established by the Chief of Police and the Director of Community Development to ensure that historic customer service practices are preserved. The primary difference would be that if warnings and education efforts fail, the violator could receive a civil infraction which would include an established monetary penalty. Additionally, the judicial responsibility would be transferred from the Mill Creek City Council to Snohomish County District Court. This change would not circumvent or prevent the Mill Creek City Council from reviewing, amending or abolishing any municipal code language or authority related to Titles 14 or 17.

Police Chief Crannell relayed that if this is adopted by the Council, these changes could be implemented by June 1<sup>st</sup>.

After engaging in discussion, the Council directed staff to come back to a future meeting with a proposed ordinance outlining all of the code changes, penalties and fines.

Strategic Plan Ad-Hoc Committee

*(Bob Crannell, Police Chief)*

In late 2008, the Police Department command staff embarked on a Strategic Plan project that would afford the department to take a proactive stance in the areas of growth and service level demands for the next twenty years.

Over the course of calendar year 2009, vision, mission, and value statements were developed through input provided by both community stakeholders and all police department staff. Through these statements, the community and the department identified specific focus areas.

The Strategic Plan project will concentrate on five main focus areas (not in priority order):

- Service Levels
- Community Priorities
- Staffing and Supervision
- Regional Participation and Specialty Units
- Infrastructure and Equipment

The Police Department is requesting Council support of an ad-hoc committee formed to address these focus areas through the year 2030. Staff is recommending a committee comprised of three Councilmembers, three city residents and three police department staff members. The mission of the committee will be: education on the five main focus areas; receive information on challenges facing the department currently and into the future; and finalize a report that charts a realistic and fact-based course for the next two decades.

The committee will begin its work in late February or early March of 2010, and after a series of eight to ten bi-weekly meetings, will culminate with a written report and presentation to the full Council in July of 2010. Meeting days and times will be established once the committee membership is identified based on schedules and availability.

At the direction of, and through a process established by the Council, committee representatives will be selected. Staff representatives will be assigned by the police department command staff.

Council discussed any interest among the members in serving on this committee. Councilmember Bond, Councilmember Masterson, Councilmember Harmsworth, Councilmember Nielsen and Mayor Pro Tem Michelson expressed interest in serving on this committee.

Staff will solicit for the three citizen positions first and decide on a meeting schedule. This item will come back to the Council at a future meeting for the selection of the three Councilmember positions.

Interlocal Agreement for Fuel Purchasing and Distribution Services

*(Lance Davenport, Police Commander)*

The Police Department began contracting maintenance and repair work with Snohomish County in 2002. That interlocal agreement was amended and adopted at the November 10, 2009 City Council meeting. During the fourth quarter of 2009 Snohomish County opened their Cathcart fuel depot for use by other government entities. The Police Department, based on the estimated cost, will not routinely fuel at this location. During an emergency (e.g. a power outage) City vehicles could use this option due to the facility having alternative/back-up power. This fueling agreement allows the City access to other county fueling facilities, as well as any PetroCard locations designated within the agreement.

This 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 one year terms.

Pursuant to the terms of the agreement, the City shall pay for the cost of the fuel purchased at the rate per gallon specified in the county's agreement with PetroCard, including any taxes, plus 5% of the cost of the fuel as compensation for the fueling services provided by the county.

Council agreed to place this agreement on the action agenda for approval later in the evening.

Finalize 2010 Council Retreat Date

*(Timothy W. Burns, City Manager)*

The date for the 2010 retreat was reviewed and discussed. The date for the retreat will be Saturday, March 27, 2010. The retreat will be located at Shawn O'Donnell's Restaurant.

Mill Creek Business Association Representative

*(Timothy W. Burns, City Manager)*

Historically, the City has designated a representative to the Mill Creek Business Association. City Clerk Kelly Chelin and former Councilmember/Mayor Pro Tem Rosemary Bennetts have served in this capacity in the past. At the January 26, 2010 meeting, Council expressed interest in discussing who will be the representative to the Mill Creek Business Association for 2010. The representative would not be an official boardmember but rather a liaison/representative to the association. The association meets the third Tuesday of every month at noon in the Council Chambers.

Both Councilmember Nielsen and Councilmember Ryan expressed interest in serving as the City's liaison.

Mayor Pro Tem Michelson and Councilmember Todd expressed their support for Councilmember Nielsen.

Councilmember Bond and Councilmember Harmsworth expressed their support for Councilmember Ryan.

**MOTION: Councilmember Harmsworth made a motion to appoint City Manager Tim**

**Burns or his delegate to attend the association meetings as the City's liaison and encouraged Councilmembers to also attend, Councilmember Ryan seconded the motion.**

Councilmember Masterson expressed that he did not believe it should be a staff representative.

Councilmember Ryan suggested that both he and Councilmember Nielsen be appointed and the City will have two representatives.

**MOTION VOTE: The motion failed 2-5-0 with Councilmember Ryan and Councilmember Harmsworth voting in favor of the motion.**

**MOTION: Councilmember Bond made a motion to appoint Councilmember Ryan and Councilmember Nielsen as joint representatives to the Mill Creek Business Association, Councilmember Harmsworth seconded the motion.**

**AMENDMENT TO THE MOTION: Mayor Pro Tem Michelson made an amendment to the motion to make Councilmember Nielsen the primary representative and Councilmember Ryan the alternate representative to the Mill Creek Business Association, Councilmember Nielsen seconded the motion.**

**AMENDMENT VOTE: The motion passed 4-3-0 with Mayor Todd, Councilmember Nielsen, Mayor Pro Michelson and Councilmember Masterson in favor of the motion.**

**MAIN MOTION VOTE (AS AMENDED): The motion passed unanimously.**

Questions arose about the Town Center Business Association. City Attorney Missall explained that City Manager Burns does sit on the board which is outlined in the Town Center Development and Operational agreements.

#### **ACTION ITEMS**

Authorize the City Manager to Execute the Interlocal Agreement with Snohomish County for Fuel (Lance Davenport, Police Commander)

**MOTION: Mayor Pro Tem Michelson made a motion to authorize the City Manager to execute the Interlocal Agreement with Snohomish County for Fuel as presented by Commander Lance Davenport, Councilmember Nielsen seconded the motion. The motion passed unanimously.**

### **AUDIENCE COMMUNICATION**

Charlie Gibbons

(Spoke earlier in the meeting)

Mr. Gibbons stated that he doesn't like the 4-3 votes of the Council. He also expressed his concerns about the parking in the dotted areas of the subdivisions that have no sidewalks. He believes there is a safety issue and asked the City to look into some enforcement.

Councilmember Harmsworth relayed that he would like input from the citizens on the Veterans Monument name.

Public Works Director Gathmann reported that information will be placed on the City's website. Potential names will come back the Council for consideration at the February 23, 2010 meeting.

### **RECESS TO EXECUTIVE SESSION**

The meeting recessed to executive session at 8:07 p.m. to discuss litigation for approximately 15 minutes. There may be possible action taken.

**MOTION: Mayor Pro Tem Michelson made a motion to extend the meeting to 8:45 p.m., Councilmember Bond seconded the motion. The motion passed unanimously.**

**MOTION: Councilmember Harmsworth made a motion to extend the meeting to 9:00 p.m. Councilmember Ryan seconded the motion. The motion passed unanimously.**

### **RECONVENE TO REGULAR SESSION**

The meeting reconvened to regular session at 8:47 p.m.

### **ACTION ITEMS**

**MOTION: Councilmember Ryan made a motion to authorize the City Manager to Appeal the Snohomish County Superior Court Decision in City of Mill Creek v. Wash. State Boundary Review Board, Cause No. 09-2-06449-9, Councilmember Bond seconded the motion. The motion passed unanimously.**

### **ADJOURNMENT**

**MOTION: Councilmember Masterson made a motion to adjourn the meeting, Mayor Pro Tem Michelson seconded the motion. The motion passed unanimously.**

The Mayor adjourned the meeting at 8:52 p.m.

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Mike Todd, Mayor

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Kelly Chelin, Executive Assistant/City Clerk