



CITY COUNCIL MINUTES

February 23, 2010

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

Mike Todd, Mayor
Donna Michelson, Mayor Pro Tem
Terry Ryan (Left at 7:30 p.m.)
Kathy Nielsen
Bart Masterson
Mark Harmsworth
Mark Bond

February 23, 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.

PRESENTATION:

Ty Hughes, New Police Officer
(*Bob Crannell, Police Chief*)

Note: Councilmember Ryan noted for the record that he wasn't feeling well and will be leaving the meeting early. He asked that a few items on the study session agenda be moved up so that he can participate in the discussion.

AUDIENCE COMMUNICATION

Nathan Carroll
Waste Management
18301 26th Drive Bothell, Washington

Mr. Carroll stated that he worked with Kyle Pettersen and his son on the Fun Run for the fallen Lakewood Officers. He thanked the Council and Police Department for their support. He presented two framed plaques with Bib #2 for the Police Department and Bib #3 to the City of Mill Creek. He stated that approximately 400 runners participated and raised over \$10,000.

Kyle Pettersen and son Landon
6211 147th Place SE
Everett, Washington 98208

Mr. Pettersen also thanked the Council and staff for their support. The Run raised money for the fallen officers and was a very successful event.

Troy Smith

Fire District #7 Union President

Mr. Smith stated that he has met with most of the Councilmembers about the EMS Levy. He hopes to eventually meet with all of the members to discuss the levy.

Russ Read

13400 Dumas Road #O-1

Mill Creek, Washington 98012

Mr. Reed stated that the Rivendale Homeowners Association is willing to obtain and pay for an appraisal for the street vacation.

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.

Memorial Day Parade Support

(Timothy W. Burns, City Manager)

The following agenda summary information was presented:

A group of local volunteers are proposing to conduct a Veterans Memorial Day Massing of Colors Parade ("Parade") in the City of Mill Creek on Monday, May 31, 2010. The group of volunteers has formed a 501(c)(3) limited liability corporation known as "Parades and Pageantry Northwest." This group organized a successful and popular parade event in 2009. This year's parade route is proposed to run along Main Street and Mill Creek Boulevard, commencing at 149th Street NE and finishing at 161st Street NE in the Albertson's parking lot. The parade group will be required to follow the process for a special events permit.

Additionally, the parade group will be requesting sponsorship funding in the amount of \$2,500 (same as 2009) from the City in support of the parade. All budgeted Council Contingency funds have been expended for the 2009-2010 biennial budget. There is a cash balance of \$140,600 in the Council Contingency account. A budget amendment would be required should Council decide to use this fund source.

Discussion.

Major Weldon Lee, US Army (Retired) provided a short briefing to the Council on the group's proposal. In addition Mr. Lee requested the city provide \$5,000 in sponsorship funding. He thanked the Council for their support.

MOTION: Councilmember Ryan made a motion to have the Council provide sponsorship in the amount of \$5,000 from the Council Contingency Fund to Parades and Pageantry Northwest for the Mill Creek Veterans Day Parade, Councilmember Masterson seconded the motion. The motion passed unanimously.

Naming of Veterans Monument

(Tom Gathmann, Public Works Director)

Public Works Director Gathmann passed out a list of suggested names.

MOTION: Councilmember Ryan made a motion to name the monument “Veterans Monument, In Honor of Our Armed Forces”, Councilmember Harmsworth seconded the motion.

Chuck Wright
15907 24th Court SE
Mill Creek, Washington 98012

Mr. Wright expressed his opinion about the name and stated that he does not care for the word “our” in the title.

MOTION: Councilmember Masterson called for the question (ending all debate), Councilmember Harmsworth seconded the motion. The motion passed unanimously.

MAIN MOTION VOTE: The motion passed unanimously.

Rivendale Public Pedestrian Access

(Bill Trimm, Community Development Director)

The following agenda summary information was presented:

On February 9, 2009, the City Council reviewed the proposed Major Modification to the recorded Rivendale Binding Site Plan to remove the public pedestrian access easements from within the development. At the conclusion of the discussion, the City Council made a motion directing staff to obtain an appraisal of the easement and prepare an ordinance approving the request. Further, the motion requested that the ordinance be brought back to the Council for consideration within 180 days. The reason for the appraisal is that, pursuant to state law, the City can require up to 50% of the value of the vacated public easement as compensation for the vacation.

Per the Council direction, staff has begun obtaining bids to complete the appraisal. At the time this Agenda Summary was prepared, one bid for \$4,000 has been received. Two additional bids are expected shortly. Given the potential cost of obtaining an appraisal, staff would like to discuss the process of vacating the easement prior to expending any City funds. To assist in the discussion, the following information is provided:

- Given the likely cost of the appraisal and the 50% limitation on compensation for the public easement, there is a possibility that the cost of the appraisal may exceed the revenues that could be expected from the sale of the easement.
- City Code requires that the appraisal be prepared by the applicant and submitted with their application. While it is within the City Council’s authority to provide/pay for the appraisal, any potential public benefit will be reduced by the amount of this expense.

- The cost of obtaining an appraisal of the public easement is not within the adopted budget. If the City goes forward with the appraisal, a budget amendment will be required.

Given the above information, the City Council may wish to reconsider the requirement for an appraisal, or may wish to require that the appraisal be funded by the applicant.

Discussion.

Russ Read

13400 Dumas Road #O-1

Mill Creek, Washington 98012

Mr. Reed spoke again and stated that they are ready to prepare and pay for an appraisal to be done especially given that this would mean that the street vacation would be a permanent action.

MOTION: Mayor Todd made a motion to rescind Section (3)(a) of the February 9, 2010 motion concerning the Rivendale Binding Site Plan amendment, Case number BS 96-30R, and impose the substitute requirement that the applicant provide the City with an appraisal of the public access rights over the Rivendale property consistent with MCMC 12.14.020(B), Councilmember Ryan seconded the motion. The motion passed unanimously.

Council also asked staff to write a letter to the owner of the Cedar Park property about whether they would like to vacate their temporary easement.

Note: Councilmember Ryan left the meeting at 7:30 p.m.

Asphalt Overlay Program

(Scott Smith, City Engineer)

The following agenda summary information was presented:

The purpose of this briefing is to appraise the City Council of the citywide asphalt repair work that is proposed in 2010, as well as provide an early notification of a much larger budget issue that merits conversation. The future discussion should occur as part of the biennial Capital Facility Plan (CFP) and budget processes.

In the approved CFP and budget, there is \$400,000 allocated in the Street Overlay Program for work in 2010. However, the higher priority need is to catch up on deferred pavement maintenance repairs that are beyond the capability of our in-house crews. In addition, performing some preventative maintenance work, such as crack sealing, will help extend the life of the roadway system. The primary downside to the proposed work is mainly aesthetic, with a series of new patches and darker snake-like lines on existing weathered pavement.

The projected maintenance needs are approximately equal to the available budget, which would preclude any additional overlay work. Luckily, there are no streets that have an immediate need for a full structural overlay.

A typical asphalt pavement can be expected to last around 20 – 30 years, depending on the

environment, traffic levels and maintenance upkeep. Some streets in the annexed Silver Crest area are almost 40 years old, while an average age for the central roadway system can range between 15 – 25 years. Since our traffic volume is relatively light, most streets in the City are still in fairly good shape with only some minor patching and cracking starting to appear.

However, pavement deterioration does not happen at a linear pace. The condition gradually degrades over a long time, and then will effectively “fall off a cliff” at a certain point when the surface cracking gets to a critical point. Water can infiltrate and weaken the supporting ground underneath, as well as destroy the pavement internally during freeze-thaw cycles, in a rapid downward spiral process. This is why crack sealing can be one of the most effective proactive maintenance options. A \$1 / sq ft crack seal can prevent or delay a \$10 / sq ft repair patch.

The key to effective pavement management is to try and perform maintenance repairs or apply a surface treatment before it reaches that critical point. After a roadway condition reaches a certain level, it is often more cost effective to let it continue to deteriorate and rebuild in the future. 9th Avenue SE, south of the Penny Creek bridge, is a good example of this situation.

The upcoming challenge facing the City is that most of the streets are approximately the same age and are approaching the “edge of the cliff” at the same time. Mill Creek is still a relatively young city, but some of the infrastructure is starting to approach the end of its life. While there is not an immediate critical need, the aging street system will not last forever, with or without regular maintenance work.

The future questions for the Council and CFP committee to discuss include: how proactive should we be in maintaining the streets, what are acceptable surfacing options (slurry seal was tried in 1999 and not well received), and overall, how much money to program for future needs.

The recommendations from staff are as follows: (1) Proceed with the planned asphalt repairs in 2010; (2) Revise the 2011 – 2012 CFP and budget to allow for data collection and trial sections of new pavement preservation and rehabilitation techniques in 2011. Based on the 2011 work, a more definitive long term overlay plan can be determined and programmed in the 2012 CFP and budget revision process.

Discussion.

Discussion took place between the Council and staff. Staff will bring back a resolution addressing the award of and asphalt repair contract at a future meeting.

Purchase Contract for Street Sweepers

(Tom Gathmann, Public Works Director)

The following agenda summary information was presented:

The City currently owns two street sweepers that are used hundreds of times a year to clean City streets. The oldest was purchased in 1999 and uses only a mechanical broom for cleaning. The second was purchased in 2001 and is a “regenerative air” sweeper that uses both brooms and a powerful vacuum for cleaning. Both sweepers are now frequently out-of-service with mechanical and electrical problems. In the past 24 months, the City has spent over \$32,000 in repair costs not including routine maintenance and operation costs. The regenerative air sweeper is currently operating with only about 40 percent of its vacuum capacity. It appears the hydraulic motor will need to be replaced to restore full capacity. That

repair would cost approximately \$10,000.

The 2009-2010 budget includes \$150,000 (Funds 401 and 509) for replacing the 1999 broom sweeper. The 2009-2015 Capital Facilities Plan includes another \$150,000 in 2011 for replacing the regenerative air sweeper. Due to the very high repair costs, staff recommends replacing both sweepers now. In addition to the budgeted \$150,000, there is \$35,000 available from the Department of Ecology in a grant already awarded to the City and \$47,500 in fund 509 – Equipment Replacement. The balance of \$27,891 will come from Surface Water Utility Reserves. All proceeds from the sale of both sweepers will go back into the Equipment Replacement Fund.

Discussion.

Staff’s recommendation is to purchase the sweepers from the second lowest bidder, Clyde-West, who has excellent references. Public Works Director Gathmann explained that the lowest bidder did not meet all of the specifications.

Funding Method for Hearing Examiner System (Continued from 1/26/10 Council meeting)
(Bill Trimm, Community Development Director)

The following agenda summary information was presented:

At the January 26, 2010 Council study session, staff presented several options dealing with the processing of quasi judicial proceedings by the Hearing Examiner and City Council. Following a discussion of the various options, the Council consensus was to select option five. This option authorized the Hearing Examiner to conduct hearings and make the final decision on preliminary and final plats/binding site plans while the City Council would continue to focus its land use authority at the legislative level associated with policy and code development.

During the discussion, Council requested staff to estimate the fiscal impacts of hiring a Hearing Examiner to process quasi judicial proceedings. Staff responded to the Council’s request by stating that we would estimate the typical case load and related costs that a Hearing Examiner would process over the next two years. To estimate the case load we reviewed the DCD 2010 work program and projected certain projects into 2011 based on the assumption of continued slow growth in the development sector. To estimate the costs, we received information from several hearing examiners about the average number of hours per case and average cost per hour. Based on this information, an estimate of case load and expenses is presented below:

**Estimated Hearing Examiner Case Load and Expenses
2010 and 2011**

<i>Year</i>	<i>Estimated</i>	<i>Average</i>	<i>Average</i>	<i>Estimated</i>	<i>Total</i>
-------------	------------------	----------------	----------------	------------------	--------------

	<i>Case Load</i>	<i>Hours per Case</i>	<i>Cost per Hour</i>	<i>Hearing Examiner Cost</i>	<i>Application Fees (PP,BSP,SEPA)</i>
2010	2*	7	\$150	\$1,680	\$10,025
2011	3**	7	\$150	\$3,150	\$14,000

* Peterson Pre. Plat (15 lots) and Sortino BSP at East Gateway Urban Village

** Two BSPs at East Gateway Urban Village and one at Halo Mobile Home Park

The application fees presented in the table’s last column are intended to fund the staff time associated with pre-application and application meetings with the applicant, site analysis, SEPA review and declarations, preparing and presenting the staff report and public notices. Although the estimated Hearing Examiner Cost could be funded from the application fees, staff recommends that such funds be reserved for staff expenses related to processing the application. Instead of using existing application fees to fund the Hearing Examiner expenses, staff recommends a new revenue-neutral funding mechanism to be included in the code. Specifically, staff suggests that the Hearing Examiner cost be provided by a refundable base deposit to be paid by the applicant at the time of application. For example, a base deposit of \$1,000 would adequately fund the average Hearing Examiner expenses for most common applications (6.6 hours at \$150.00 / hour). Hearing Examiner costs that exceed the base would be added to the fee and payable prior to permit issuance. Conversely, any costs that are less than the base deposit would be refunded to the applicant.

Discussion.

Council and Staff engaged in a discussion. The consensus of the Council was to go with option 4 which would mean that the Hearing Examiner holds all plat/subdivision/binding site plan hearings and makes final decisions on preliminary and final plat/subdivisions/binding site plans, which decisions are appealable to the Council as a closed record appeal. Council also agreed to collect a deposit at the time of application.

This item will back for final adoption in two to three months after the ordinance is drafted with all of the necessary code changes.

MOTION: Mayor Pro Tem Michelson made a motion to extend the meeting to 9:00 p.m., Councilmember Nielsen seconded the motion. The motion passed unanimously.

Snohomish County Steering Committee Briefing
(Bill Trimm, Community Development Director)

Future Study Session Items/Open Discussion
(Timothy W. Burns, City Manager)

CONSENT AGENDA

Approval of Checks #43932 through #44014 and ACH and Direct Internet Wire Transfers for F.W.T. Medicare Taxes in the Amount of \$330,513.36.

(Audit Committee: Councilmember Harmsworth and Mayor Pro Tem Michelson)

Approval of ACH Automatic Deposit and Ref Checks #23696-23731 in the Amount of \$134,284.89.

(Audit Committee: Councilmember Harmsworth and Mayor Pro Tem Michelson)

Regular City Council Meeting Minutes of February 2, 2010

Regular City Council Meeting Minutes of February 9, 2010 (as revised in the hand-outs)

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

ACTION ITEMS

Resolution Awarding Purchase Contract for Street Sweepers (If adopted, would take Resolution #2010-442)
(Tom Gathmann, Public Works Director)

This item was discussed earlier in the study session.

MOTION: Mayor Pro Tem Michelson made a motion to approve Resolution #2010-442, Awarding the Purchase Contract for Street Sweepers as presented, Councilmember Masterson seconded the motion. The motion passed unanimously.

REPORTS

Mayor Todd reported that he met with the Sno-Isle Library representatives and long term planning was discussed. He also attended the grand opening event for the Mill Creek YMCA. Lastly, he met with Troy Smith from Fire District #7 about the EMS levy. He stated that this levy increase is a big decision and more discussion will take place at the next Council meeting.

Councilmember Nielsen stated that she spoke to the Mill Creek Business Association President and the board has decided to eliminate the City representative from the board. Therefore, Councilmember Nielsen will just be attending the monthly luncheon meetings.

Councilmember Harmsworth asked staff about the letter from the Dumas Lane neighbors about the request for parking permits. Council and staff engaged in a discussion about the request.

Mayor Pro Tem Michelson reported that she attended the Arts/Beautification Board meeting. The board feels that some of the City entry signs are hard to see due to the trees and foliage.

Councilmember Bond asked about the status of the Halo Mobile Home Park and expressed concerns about code violations.

Community Development Director Trimm reported that he will follow-up with the property owner and report back.

MOTION: Councilmember Nielsen made a motion to extend the meeting to 9:15 p.m., Mayor Pro Tem Michelson seconded the motion. The motion passed unanimously.

City Manager Burns reported that he attended the Town Center Business Association meeting. The board is planning a number of monthly events. Also, he will be attending the United Way

Community Caring Event with City Clerk Chelin on March 10, 2010. The City has been recognized with an award for the last campaign.

Finance Director Manuel reported that the financial report was in the packet.

Community Development Director Trimm reported that the Design Review Board met and approved the Mill Creek Plaza and Veterans Monument projects. Also, he reported that he spoke incorrectly at the last meeting and the Mill Creek Square re-design of the QFC building will result in three less parking stalls however it still meets the parking requirements.

Public Works Director Gathmann reported that all of the new lights have been put in at the Mill Creek Sports Park. The Veterans Monument project is making progress. Lastly, the Capital Facilities Program (CFP) process will be kicking off soon.

Police Chief Crannell reported that the deadline is this Friday for citizen letters of interest for the strategic plan ad-hoc committee. This item will come back to the Council on March 2. The Dare Graduation will be Tuesday, March 16 at 2:00 p.m. at Mill Creek Elementary. Lastly, the department participated in a sting operation involving prostitution activity which resulted in 7 arrests.

AUDIENCE COMMUNICATION:

There were no comments from the audience.

ADJOURNMENT

The Mayor adjourned the meeting at 9:07 p.m.

Mike Todd, Mayor

Kelly Chelin, Executive Assistant/City Clerk