



# CITY COUNCIL MINUTES

April 13, 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

**April 13, 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**

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.*

## Continued Discussion on EMS Levy

*(Landy Manuel, Finance Director and Timothy W. Burns, City Manager)*

## The following agenda summary information was presented:

At the March 9<sup>th</sup> meeting Council reached consensus on staffing at the 3 man engine/2 man medic level. Further direction was given to bring back the cost/EMS levy rate to include future costs increases over six years per the terms of the fire contract. The fire contract as amended allows for annual 1% increases and every fourth year (2012 & 2016) allows for a re-calculation of the formula up to a 6% increase. At the April 6<sup>th</sup> council meeting consensus was reached on considering a \$0.45 levy rate for presentation to the voters at the August 17<sup>th</sup> primary. Council also requested levy rate figures for the current three man engine level of service to assist in further discussion concerning strategy for the general election should the measure fail to pass at the primary.

## **Resolution for Primary Election:**

Attached in the packet was a draft resolution that if passed by Council would place a proposition on the August 17<sup>th</sup> primary ballot to establish a renewed EMS levy at \$0.45 The resolution has been reviewed by the City Attorney and is ready for Council approval if it desires. Our deadline to forward it to the County Auditor is May 25, 2010.

**3 Man Engine/2 Man Medic:**

This is the same data as presented last week with cost and assessed value rolled forward for the six year period to obtain an average levy rate. Since the anticipated costs exceed the maximum levy rate allowed, \$0.50, the discussion focused on that rate and the \$0.4496 rate wherein the General Fund subsidy was held constant over the six year period. Finance Director Manuel removed all the other rates from the exhibit as they did not enter into our discussion.

The resulting tax at fifty cents on the current value of a typical residence is \$200.60. At the current 2010 levy rate the assessment is \$72.22, an increase of \$128.38.

Holding the General Fund subsidy constant results in a levy rate of \$0.4496; a tax of \$180.36 on a current typical residence, an increase of \$108.14.

**Current Staffing 3 Man Engine:**

This set of figures represents the current level of service and costs rolled forward for the six year EMS levy period. To fund 100% of the EMS costs (83% of the total contract) results in an estimated levy rate of \$0.4043. That is an annual tax of \$162.21 or an increase of \$89.99 from the current typical residence amount.

Renewing the levy at the previously authorized \$0.25 level lowers the amount subsidized by the General Fund from \$878,420 to \$745,818. Tax to a typical residence would be \$100.30 an increase of \$28.08 from the current \$72.22.

Finance Director Manuel also ran figures for the current level of service holding the subsidy proportionately constant over the six year period. As you might expect the cost increases and assessed value increases pretty much balance each other out and the result is very close to the current levy rate of \$0.18.

**Cost of Service:**

The incremental cost increase of \$769,796 (as provided by the fire district) is equivalent to the salary and benefits costs of two firefighter/paramedics for 24/7/365 staffing. As discussed at the last meeting we have "audited" the figures to the current labor agreement and other known payroll benefit rates and found the calculations to reasonably represent the cost for additional staffing. We see this as a basis for a contract amendment totaling to what is presented here, i.e. current year amount of \$1,408,611 plus the incremental increase of \$769,796 plus a 1% increase per the contract for a 2011 total of \$2,200,191.

Discussion.

Council and staff engaged in a discussion about the levy.

**MOTION: Mayor Pro Tem Michelson made a motion stating that the City Council desires a level of service of a five person crew at the Mill Creek station subject to subsequent EMS levy passage, Councilmember Harmsworth seconded the motion. The motion passed unanimously.**

**MOTION:** Councilmember Masterson made a motion to place a ballot measure on the August primary election to authorize a levy amount up to \$0.50 to fund EMS services, Councilmember Nielsen seconded the motion.

**AMENDMENT TO THE MOTION:** Councilmember Harmsworth made an amendment to the motion to change the levy amount to \$0.45, Councilmember Ryan seconded the motion.

**MOTION:** Councilmember Ryan called for the question (ending all debate), Councilmember Harmsworth seconded the motion. The motion passed 5-2-0 with Councilmember Bond and Mayor Todd opposed.

**AMENDMENT VOTE:** The motion passed 4-3-0 with Mayor Pro Tem Michelson, Councilmember Masterson and Councilmember Nielsen opposed.

**ORIGINAL MOTION VOTE (AS AMENDED):** The motion passed 4-3-0 with Mayor Pro Tem Michelson, Councilmember Masterson and Councilmember Nielsen opposed.

Resolution to Place a Proposition on the Primary Ballot for an EMS Levy (If adopted, would take Resolution #2010-446)

Council discussed the draft resolution that was included in the packet materials. A few edits were suggested.

**MOTION:** Mayor Todd made a motion to approve the Resolution, #2010-446, for the Submission to the Qualified Electors of the City at a Special Election to be held on August 17, 2010, a Proposition to Re-authorize and Increase the Emergency Medical Services Levy in an Amount not to Exceed Forty-Five Cents per Thousand Dollars of Assessed Valuation for Six Consecutive Years Commencing in 2011 as presented and adding the word “providing” in Section 2 and change “propose” to “purpose”, Mayor Pro Tem Michelson seconded the motion. The motion passed unanimously.

**MOTION:** Councilmember Harmsworth made a motion to authorize the City Manager to distribute to the local media, post on the City’s website, and have available at Council meetings the public notice soliciting individuals to serve on committees both in favor of and opposed to the EMS Levy ballot measure, Councilmember Bond seconded the motion. The motion passed unanimously.

Use of Standing Committees  
(Timothy W. Burns, City Manager)

The following agenda summary information was presented:

There has been interest among the Council and staff to provide a more comprehensive and efficient means to exchange information between Council and staff. The Council currently utilizes the “study session” format to disseminate information for eventual policy decision making. Due to the breadth of

issues the Council and staff find themselves working on at times, the Council may want to consider another method of organizing the transfer of information for City business items.

One suggestion is to implement the “standing committee format” which is a common method used by many cities. The standing committee will more fully investigate or study specific issues, and/or evaluate information, when it is inefficient, ineffective, or inconvenient for the entire City Council to be involved. Work or discussion items can then be assigned to standing committees in the same fashion as “ad hoc committees.” The standing committees should establish a regular meeting schedule as appropriate, but may also hold special meetings as necessary. While it is not necessary to provide advance notice or publish a public agenda for such meetings, all meetings of a standing committee (whether regularly scheduled or not) will need to be open to the public. City staff will make presentations to the standing committee for in-depth discussion. The standing committee should report periodically to the Council. For matters specifically subject to subsequent Council review and action, a standing committee can make a recommendation to the full Council. Additionally, Council can make a motion to assign a particular issue to a standing committee for further review and recommendation back to Council.

At the March 2, 2010 meeting, Council reviewed and endorsed the proposal to create standing committees. The following committees will be established: Finance, Public Safety, Public Works, and Government Services. Staff has prepared a resolution for council review and approval. Council assignments, as well as the rules and procedures, will follow the procedures set forth in the resolution.

Discussion.

The Council and staff engaged in a discussion about the committees. After lengthy discussion, the majority of the Council was not in favor of forming standing committees. Committees will be formed on an “ad-hoc” basis and will be “project-specific”.

132<sup>nd</sup> Street SE at 39<sup>th</sup> Avenue SE Traffic Signal Right-of-Way

*(Tom Gathmann, Public Works Supervisor)*

The following agenda summary information was presented:

Snohomish County is in the final stages of designing a new traffic signal at the intersection of 132nd Street SE at 39th Avenue SE. Snohomish County is funding most of the project with an additional grant from the State. This is a unique project that involves three different jurisdictions: the County is the lead agency for design and construction, the signal is on a State highway and must meet WSDOT standards, but the project is almost entirely within the City limits.

The traffic signal was designed to accommodate future development in the East Gateway Urban Village Area on the south side of 132nd Street SE, which results in the poles being placed well away from the existing curb. The curb and sidewalk on the northeast corner will also be modified to accommodate turning school buses in accordance with WSDOT design criteria.

Both of these factors require the purchase of additional Right-of-Way (ROW) from the property owners, which are Penny Creek Partners LLC on the south side and the Everett School District on the corner. The County is facilitating the ROW purchase and paying all costs associated with the acquisition. However, this is being done on behalf of Mill Creek because the project is within the City limits.

Consequently, the City Manager is required to sign the property acquisition documents as the legal “grantee”. In accordance with new City policies for capital project administration, the Council must approve all real estate transactions. Staff recommendation is to approve the Right-of-Way acquisitions with Penny Creek Partners LLC and the Everett School District, and authorize the City Manager to execute the appropriate documents.

**MOTION: Councilmember Ryan made a motion for Council approval of the Right-of-Way acquisitions with Penny Creek Partners LLC and the Everett School District and authorize the City Manager to execute the appropriate documents, Councilmember Bond seconded the motion. The motion passed unanimously.**

Future Study Session Items/Open Discussion

*(Timothy W. Burns, City Manager)*

**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.**

**CONSENT AGENDA**

Approval of Checks #44169 through #44253 and ACH Wire Transfer in the Amount of \$396,363.21.

*(Audit Committee: Councilmember Bond and Councilmember Nielsen)*

Approval of ACH Automatic Deposit in the Amount of \$134,167.28.

*(Audit Committee: Councilmember Bond and Councilmember Nielsen)*

Regular City Council Meeting Minutes of March 2, 2010

Regular City Council Meeting Minutes of March 9, 2010

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

**ACTION ITEMS:**

Appoint Two Members to the Planning Commission with Terms Expiring April 30, 2013

*(Interview Committee: Councilmember Harmsworth and Councilmember Masterson)*

**MOTION: Councilmember Harmsworth made a motion to appoint Peter Lalic and Ed McNichol to the Planning Commission with Terms Expiring April 30, 2013, Councilmember Masterson seconded the motion. The motion passed unanimously.**

Appoint Two Members to the Board of Appeals/Adjustment with Terms Expiring April 30, 2013

*(Interview Committee: Councilmember Harmsworth and Councilmember Masterson)*

**MOTION: Councilmember Harmsworth made a motion to appoint Thomas Kinney and Phil Butler to the Board of Appeals/Adjustment with Terms Expiring April 30, 2013, Councilmember Masterson seconded the motion. The motion passed unanimously.**

**REPORTS:**

Mayor Todd reported that he attended the Senior Center “Taste of Retirement” event and it was success. He met the new Northshore Senior Center Director. Lastly, Senator Hobbs will be hosting a Town Hall meeting on Saturday in the Council Chambers.

Councilmember Nielsen reported on the Egg Hunt and the Teen Flashlight event put on by the Parks and Recreation division. Both events were very successful.

Councilmember Harmsworth reported that he will be attending the Snohomish County Cities dinner on Thursday night.

Councilmember Ryan thanked City staff for their work and County Councilmember Brian Sullivan, Senator Steve Hobbs and State Representative Mike Hope for working with him to get funding for the new signal at 39<sup>th</sup> Avenue.

Mayor Pro Tem Michelson reported that she will be attending the Mill Creek Little League Jamboree event on Saturday. She attended the last Library Board meeting. She also reported on the Arts and Beautification Board vacancy. Staff will re-advertise for the vacant position and one letter of interest has been received.

City Manager Burns reported that the City received the “Best of Industry” event for local government for the 2009 United Way campaign. The City also received the Well City Award from AWC. Also, the Memorial Day Parade may still happen. A committee has been put together and further information will be coming.

Planning Manager Rogers reported that the Planning Commission and Design Review Board will be meeting next Thursday night.

Public Works Director Gathmann reported that the two new street sweepers will be delivered to the City on Thursday. The bollards in the Library parking lot have been removed. The play structure for Library Park was delivered today. The Veterans Monument is currently under construction. The timing of the crosswalk at 153<sup>rd</sup> and SR527 has been changed by WSDOT per Council’s request.

Police Commander Davenport reported the Strategic Plan Ad-Hoc Committee has had three meetings. The committee is progressing well. Officer Savage will be graduating from the academy on April 23, 2010 at 1:00 p.m. Council is invited to attend.

**AUDIENCE COMMUNICATION:**

Karen Brandon  
15907 24<sup>th</sup> Court SE  
Mill Creek, Washington 98012

Ms. Brandon reported that she attended the Fire District 1 and Fire District 7 merger meeting and gave a report to the Council.

Troy Smith  
Fire District #7 Union President

Mr. Smith also reported on the same meeting that Ms. Brandon had attended. He thanked the Council for moving forward with the 5 men crew.

**MOTION: Mayor Pro Tem Michelson made a motion to extend the meeting to 9:30 p.m., Councilmember Nielsen seconded the motion. The motion passed unanimously.**

**EXECUTIVE SESSION:**

The meeting recessed to executive session at 8:56 p.m. to discuss performance of a public employee for approximately 15 minutes. No action will be taken.

**RECONVENE TO REGULAR SESSION:**

The meeting reconvened to regular session at 9:27 p.m.

**ADJOURNMENT**

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

The Mayor adjourned the meeting at 9:28 p.m.

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Mike Todd, Mayor

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Kelly M. Chelin, Executive Assistant/City Clerk