



CITY COUNCIL MINUTES

January 12, 2010

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

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

January 12, 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

Sean Kelly
15617 25th Court SE
Mill Creek, Washington 98012

Mr. Kelly invited the police department to Gold Creek Church this Sunday for a Law Enforcement Appreciation event. Anyone is welcome to attend. The services will be at 9:00 a.m., 10:30 a.m. and noon.

PRESENTATIONS

Presentation for Outgoing Civil Service Commissioner Kathy Nielsen
(Mayor Todd)

Mayor Todd presented Councilmember Nielsen with a certificate.

Presentation for Outgoing Parks and Recreation Boardmember Kelly Roy
(Mayor Todd)

Mayor Todd gave a short presentation. Ms. Roy was not able to attend the meeting and her certificate will be mailed to her.

Presentation for Outgoing Parks and Recreation Boardmember Bart Masterson
(Mayor Todd)

Mayor Todd presented Councilmember Masterson with a certificate.

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.

Sidewalk and Public Right-of-Way Landscape Maintenance

(Tom Gathmann, Public Works Director)

Revisions to the Mill Creek Municipal Code (MCMC) are proposed to address the repair of public sidewalks and landscape maintenance within the right-of-way (ROW) along public streets. The MCMC currently does not contain language that explicitly addresses sidewalk repair and replacement. The maintenance of sidewalks and landscaping within the ROW is currently located in MCMC Chapter 17.24, Maintenance and Alterations of Structures and Landscaping. This chapter covers a wide range of landscaping, building and open space issues. The intent of this code revision is to add or clarify existing code language, and combine the sections of code relevant to ROW sidewalk and landscaping in a single chapter in Title 12 – Streets, Sidewalks and Public Places, rather than in the broader zoning requirements of Title 17 – Zoning. This revision will more closely match the functional division of operations and responsibility between the Public Works and Community Development departments, namely that the former focuses primarily on public ROW maintenance and repair and the latter on zoning and private property issues. An audit by the Washington Cities Insurance Authority (WCIA) in 2008 recommended a section of code to specifically address sidewalk maintenance.

Regarding sidewalks, the proposed new Chapter 12.06 takes the existing maintenance language from Chapter 17.24, with a few clarifications, and adds a section regarding sidewalk repair and replacement. It states that adjacent property owners are responsible for routine sidewalk maintenance and the City is responsible for major repairs and/or replacement of heaved or broken sidewalk. Routine maintenance includes the removal of snow, ice, dirt, debris, leaf accumulation, or “obstructions that would hinder or interfere with safe and easy pedestrian use” of the sidewalk. This is consistent with the codes of many other cities and case law. This is also the practice currently followed by the City, even though it is not written in the MCMC.

Landscape maintenance along street frontages, or more accurately, the lack of this maintenance, is an issue that consumes a considerable amount of staff time each year. As with sidewalks, the new Chapter 12.05 will relocate some of the existing language in Chapter 17.24, with a few minor changes. A new section will authorize the Public Works Director to negotiate “trading” landscape maintenance areas with Home Owner Associations or property owners as long as the trade is beneficial to the City. These will be tracked on maintenance maps as well as in files maintained by the department. In addition, the Director has the authority to exempt certain frontage areas from the landscape maintenance responsibility if such responsibility is unreasonable due to physical barriers, reconfiguration of roadways or intersections, or for legal reasons.

Director Gathmann passed out a list of 14 items that were brought up at the last meeting. He also handed out a revision to Exhibit B, Page 2, regarding the language about a “substantial increase”. This item will be voted on during the action agenda later in the evening.

Council Code of Conduct

(Timothy W. Burns, City Manager)

Historically, the Council “Code of Conduct” is considered in January when a new Council is seated. The current Statement of Values/Rules of Conduct has been included in the packet for consideration. Once approved, each councilmember will affix their signature to the document.

A few revisions have been made to the document and passed out for review.

Council did not have any edits and agreed to sign the Code of Conduct as presented.

2010-2011 City Assignments List

(Timothy W. Burns, City Manager)

Every two years the Council reviews the various boards, commissions and committees and assigns a Council representative. A current list of boards, commissions and committees is included in the Council packets. The purpose of this study session is to review the list and make revisions/updates. The South Snohomish Cities has been added to the list as well as the Community Transit Board. The Community Transit Board will hold an election of officers at the January 21, 2010 board meeting and if someone from Mill Creek is selected, this board will be permanently added to the list. Mayor Todd (current CT Board member) has expressed interest in attending the board meeting on January 21, 2010.

A discussion about standing committees (i.e. Finance, Public Works, etc.) and ad-hoc committees will be discussed at a future meeting.

Discussion took place about whether the Councilmembers should be picked by seniority, which has been past practice. Council discussed who would like to be placed on each of the boards, commissions and committees. The list was confirmed and finalized by the Council. The City Clerk will make the changes to the list and provide a copy to the Council.

2010 Legislative Priorities Prior to AWC Legislative Action Conference

(Timothy W. Burns, City Manager)

The 2010 AWC Legislative Action Conference is scheduled for January 27-28, 2010 in Olympia, Washington. Historically, city reps attend the conference and meet with local state legislators to discuss legislative priorities. Copies of the AWC Legislative Priorities and the Cities of Snohomish County Legislative Agenda (Draft) were included in the packet for discussion.

Councilmember Ryan has registered for the conference. Mayor Todd expressed interest in attending. Councilmember Nielsen may want to attend.

Council engaged in a discussion about the legislative priorities.

2010 Council Retreat

(Timothy W. Burns, City Manager)

The City holds a legislative retreat annually sometime between January and March. The purpose of this

study session is to consider dates for the retreat and to initiate discussion about potential topics. City Manager Burns requested that the retreat be scheduled on a Saturday in February. He handed out a list of possible retreat topics for the Council to consider. Further discussion will take place at the next meeting.

The Council took a 5 minute break and will reconvene at 8:03 p.m.

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 #43678 through #43718 and ACH Wire Transfer in the Amount of \$141,543.18.
(Audit Committee: Councilmember Ryan and Councilmember Harmsworth)

Approval of ACH Automatic Deposit in the Amount of \$134,674.42.
(Audit Committee: Councilmember Ryan and Councilmember Harmsworth)

Regular City Council Meeting Minutes of December 1, 2009

Regular City Council Meeting Minutes of December 8, 2009 (with revisions handed out)

Special City Council Meeting Minutes of December 18, 2009

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

ACTION ITEMS

Ordinance Amending Mill Creek Municipal Code Chapter 17.24 and Creating a New MCMC Chapter 12.06 Dealing with the Maintenance of Sidewalks and Public Rights-Of-Way (If adopted, would take Ordinance #2010-710)
(Tom Gathmann, Public Works Director)

This item was discussed during the study session earlier in the evening.

MOTION: Councilmember Ryan made a motion to approve Ordinance #2010-710, Amending Mill Creek Municipal Code Chapter 17.24 and Creating a New MCMC Chapter 12.06 Dealing with the Maintenance of Sidewalks and Public Rights-Of-Way with Revisions to Section 12.06.070 A4 and 12.06.080, Mayor Pro Tem Michelson seconded the motion. The motion passed unanimously.

Ordinance to approve the 2010 Salary Plan Adjustment (If adopted, would take Ordinance #2010-711)
(Landy Manuel, Finance Director)

The ordinance sets the 2010 salary ranges for all employees other than the City Manager and those under the Police Guild and the Sergeants' collective bargaining agreements.

Per the City's compensation policy CCP 01 001, the City Council shall establish salary ranges for all positions within the City (excluding those defined by contract) and, annually, the City Council shall consider adjustments to the salary ranges to be effective January 1st of each year based on the recommendation of the City Manager.

This Salary Plan includes both the AFSCME represented positions and the non-represented positions throughout the salary ranges.

For the AFSCME represented positions, the 2010 salary range adjustments have been made in accordance with Article 14 of the AFSCME collective bargaining agreement. The agreement calls for a minimum of 2% and a maximum of 4%; for 2010 the adjustment to the ranges is 2%.

For the non-represented positions the 2010 salary range adjustments are the same as provided to the AFSCME represented group. This is in accordance with a laundry list of items approved by Council last March that leveled the playing field for non-represented employees and AFSCME employees.

This annual adjustment to the Salary Plan does not result in direct increases in employee salaries, but only adjusts the salary ranges. The only exception to this would be in the situation where the adjustment to the range results in an employee being paid below the bottom of the range. In that case, the AFSCME agreement calls for an adjustment up to the bottom of the range.

MOTION: Mayor Pro Tem Michelson made a motion to approve Ordinance #2010-711 to approve the 2010 Salary Plan Adjustments, Councilmember Nielsen seconded the motion. The motion passed unanimously.

REPORTS

Mayor Todd reported on Community Transit and the budget issues they are facing. He also mentioned a couple of revisions he would like to make to the meetings. He suggested approving the agenda at the beginning of each meeting. He also suggested that presentations be placed on the agenda before audience communication.

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

Councilmember Ryan reported that he attended an economic outlook seminar at Frontier Bank.

Councilmember Harmsworth reported that he will be attending the Snohomish County Cities dinner on January 20th.

Councilmember Bond made some comments about the Code of Conduct. He stated this is a new year and he looks forward to working with all of the Councilmembers.

City Attorney Missall reported that arguments were made in Snohomish County Superior Court last Friday on the Lynnwood Annexation appeal. The judge will make a decision in the next couple of weeks.

City Manager Burns reviewed the draft agenda for the January 26th meeting. The wellness committee received a \$315 micro-grant from AWC. City Hall will be closed on Monday, January 18th in observance of Martin Luther King Jr. Day. Lastly, he will be out of the office Thursday and Friday at various meetings.

Community Development Director Trimm reported that he is working with the County on the zoning of three new urban centers in the City's MUGA.

Public Works Director Gathmann reported about a smell at the Sullivan swamp. Staff has been working on replacing 300 street signs. Speed radar signs are back up on Mill Creek Blvd.

Police Chief Crannell reported that the report of police statistics for 2007-2009 has been handed out to the Council. The December 2009 statistics report is included in the packet. Officer Sean Conner has been appointed as an Acting Sergeant and Officer Ian Durkee will be taking his spot in the detectives unit. Lastly, he thanked Councilmember Nielsen for her work on the Civil Service Commission.

AUDIENCE COMMUNICATION

There were no comments from the audience.

RECESS TO EXECUTIVE SESSION

The meeting recessed to executive session at 8:38 p.m. to discuss potential litigation for approximately 30 minutes. No action will be taken.

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

MOTION: Councilmember Masterson made a motion to extend the meeting to 10:00 p.m., Mayor Pro Tem Michelson seconded the motion. The motion passed unanimously.

MOTION: Mayor Pro Tem Michelson made a motion to extend the meeting to 10:15 p.m., Councilmember Nielsen seconded the motion. The motion passed unanimously.

The executive session ended at 10:07 p.m.

RECONVENE TO REGULAR SESSION

The meeting reconvened to regular session at 10:07 p.m.

ADJOURNMENT

The Mayor adjourned the meeting at 10:07 p.m.

Mike Todd, Mayor

Kelly Chelin, Executive Assistant/City Clerk