



# CITY COUNCIL MINUTES

July 12, 2016

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

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Pam Pruitt, Mayor  
Brian Holtzclaw, Mayor Pro Tem  
Sean Kelly  
Donna Michelson  
Vince Cavaleri  
Mike Todd  
Mark Bond

**July 12, 2016**  
**Regular City Council Meeting**  
**6:00 p.m.**

## **CALL TO ORDER**

Mayor Pruitt called the meeting to order at 6:00 p.m.

## **FLAG SALUTE**

Flag Salute was conducted.

## **ROLL CALL**

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

## **AUDIENCE COMMUNICATION:**

There were no comments from the audience.

## **OLD BUSINESS:**

### East Gateway Urban Village Land Use

*This discussion item was postponed to the July 26, 2016 meeting.*

### 35th Avenue Mitigation Area Restrictions

The following agenda summary information was presented:

As part of a 2005 annexation, the City of Mill Creek and Snohomish County executed an Interlocal Agreement (ILA) regarding various aspects of 35<sup>th</sup> Avenue SE. See attached copy. Section 3.9 of the ILA sets forth provisions governing wetland mitigation.

The designated mitigation area had a long term monitoring plan which recently concluded. Pursuant to the terms of the ILA, the City is to take ownership of the mitigation parcel upon conclusion of the monitoring period. As part of the transfer of ownership, and pursuant to the provisions of the permit issued by the Army Corps of Engineers, certain restrictions must be recorded with respect to the mitigation property in order to prevent future development.

The Declaration of Protective Covenants, Conditions and Restrictions (CC&R's) for the mitigation area prohibit: (a) future subdividing of the parcel into lots; (b) development use; (c) dumping of materials; and (d) trail facilities. Since the parcel is a wetland with frequent high water levels, these prohibitions would not hinder any future use of the property by the City. The CC&R's have been

reviewed by the City Attorney.

Discussion:

Council discussed the history of the 35<sup>th</sup> Ave SE mitigation area. They further discussed the reasons to approve the Protective Covenants, Conditions and Restrictions.

**MOTION: Councilmember Cavaleri made a motion to authorize the City Manager to execute the Declaration of Protective Covenants, Conditions and Restrictions for the 35<sup>th</sup> Avenue Mitigation Area., Councilmember Todd seconded the motion. The motion passed unanimously.**

Interlocal Agreement with the Everett School District Regarding Surface Water Utility Fees

The following agenda summary information was provided:

On December 9, 2014, the City Council approved Ordinance 2014-789 modifying Chapter 8.12 of the Mill Creek Municipal Code (Surface Water Utility). The adopted modifications affected Section 8.12.070 (rate adjustments) resulting in the elimination of the exemption afforded public school districts that provided qualifying educational activities. Due to the elimination of this exemption, the Everett School District (“ESD”) began incurring storm water costs. ESD is requesting reinstatement of the exemption, or in the alternative, receiving credit for the ongoing storm water-related education programs that ESD provides as part of their STEM curriculum.

The attached Interlocal Agreement provides for ESD to give the City an annual cost estimate for ESD’s storm water-based STEM curriculum. If approved by the City, the value of the ESD educational efforts will be credited towards their annual surface water fee. There will be no refunds or future credit given by the City for overages, but any amount under the annual fee will be invoiced and paid by ESD.

Discussion:

Council discussed what types of oversight the City would have on the programs the District would offer and how to evaluate the value of said programs.

**MOTION: Councilmember Cavaleri made a motion to authorize the City Manager to Execute the Interlocal Agreement with the Everett School for Stormwater Management Education and Outreach, Councilmember Kelly seconded the motion. The motion passed unanimously.**

Hazard Mitigation Plan – Adoption

The following agenda summary information was presented:

On March 22, 2016, the Council was provided with a short presentation on the 2015 update of the Hazard Mitigation Plan (HMP) for Snohomish County. For this HMP update, the City partnered with Snohomish County, a team of consultants from the University of Washington, and 35 other cities, tribes, districts and agencies throughout the county. The City has twice before participated in the development of a HMP, both times through the Emergency Coordinating Services Agency (ESCA), rather than through Snohomish County Department of Emergency Management. The last HMP update was adopted by Resolution 2011-459 on February 1, 2011.

The HMP is composed of Volumes 1 and 2, with Volume 1 containing much of the county-wide

background information and analysis, and Volume 2 containing an “annex” of information specific to each city, tribe or district that participated. The entire HMP is many hundreds of pages long and can be viewed in its entirety on the Snohomish County website.

At the March 22<sup>nd</sup> Study Session, several topics were mentioned that required additional research, and are addressed below:

- Although Fire District No. 7 (FD7) did not participate in the original planning effort, they have provided the County with a letter of intent to participate in developing an HMP. Fire District No. 3 (FD3) in Monroe was one of the original partners, and if the merger of FD7 and FD3 takes place as anticipated, the FD3 HMP Annex will be updated and revised to include both Districts.
- The adopting resolution has been revised, and is shown in red-line format, to not bind the City of Mill Creek to use the mitigation measures and strategies identified in the HMP. The City is certainly still free to use those measures and strategies, but there is no legal obligation to do so.
- The maps in the HMP were created using Geographic information Systems (GIS) data available to the County, and some of them are not as complete as they could be. The County will be updating their GIS sources so future maps will be better. However, the fact that a map in the HMP may not show a particular bridge or facility does not limit the City’s ability to access disaster funds if that facility is damaged in a disaster event.
- In 2015 the City of Mill Creek updated our Comprehensive Emergency Management Plan and the revised plan was approved by the Washington State Emergency Management Division of the Military Department. Although the City is still working to improve emergency management operations, the City meets all State requirements.
- The Oso disaster influenced some of the final HMP goals, with a greater emphasis on land use planning actions, this has made it more difficult for Mill Creek to score well in some specific FEMA grant programs. However, if the City Council adopts the HMP as provided in the attached resolution, the City is still eligible to compete for grant funds. Additionally, the County has stated in the interim five year period before the next major HMP update, the County HMP Planning Committee has the latitude to meet and make revisions to the document to help address our concerns.

The HMP Executive Summary outlines the partnership and annex preparation process and the annex specific to Mill Creek. At this point in time all agencies that originally participated in the HMP partnership have adopted the Plan except Mill Creek and the Stillaguamish Tribe, and four new cities are starting the review process and should move to the adoption stage later this summer.

Discussion:

Council expressed their concerns about the proposed plan. Though the concerns raised at the March 22, 2016 meeting were addressed they were still apprehensive about the document. Parks, Recreation and Facilities Director Gathmann explained that Mill Creek wasn’t the only City with concerns about the document and as a result the County would be working on some amendments to the program to address the concerns.

**MOTION:** Councilmember Todd made a motion to adopt Resolution #2016-550, adopting the updated and Revised Snohomish County Hazard Mitigation Plan, Councilmember Cavaleri seconded the motion.

Councilmember Todd stated for the record that the Council is not entirely pleased with the plan, particularly the maps and the skewing of the grant eligibility to favor land use changes that are not relevant for built out communities like Mill Creek.

Mayor Pruitt agreed with Councilmember Todd's comments that this is not the document the Council wished it would be and that the Council request changes to make it more fair, comprehensive, and accurate.

**MOTION VOTE: The motion passed unanimously.**

**CONSENT AGENDA:**

Approval of Checks #55575 through #55630 and ACH Wire Transfers in the Amount of \$95,011.18  
(Audit Committee: Councilmember Todd and Councilmember Cavaleri)

Payroll and Benefit ACH Payments in the Amount of \$182,957.22  
(Audit Committee: Councilmember Todd and Councilmember Cavaleri)

City Council Meeting Minutes of June 28, 2016

There were no exceptions from the audit committee.

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

**REPORTS:**

Councilmember Bond spoke about a study session item that Council will be discussing in September regarding the Snohomish County Health District funding.

Councilmember Kelly wanted to thank staff for all the hard work they put into the Mill Creek Festival.

Councilmember Cavaleri also praised staff on the festival. The renderings for the North Pointe Park options were successful. He also liked the iPad survey and they seemed very popular with the public. Finally he wanted to acknowledge Information Technology Director Busch for taking care of the power outage the booth experienced.

Councilmember Michelson enjoyed the festival as well, especially the K9's. She will be attending the Art & Beautification Board meeting on Wednesday and the 2<sup>nd</sup> Thursday Art Walk is this week.

Mayor Pro Tem Holtzclaw reported that at the most recent Snohomish County Tomorrow meeting they received news that the funding for 164<sup>th</sup> Street Signal optimization had been approved. The new technology that will be used will apply real time adjustments for signal timing as traffic warrants. The 164<sup>th</sup> Street section will be phase 2 that will likely be installed in 2017. Phase 1 of the program will be installed in conjunction with Community Transit's Swift 2 line along 132<sup>nd</sup>.

Councilmember Todd asked about having a discussion regarding the 35<sup>th</sup> Avenue SE project. He would like staff to provide an update on the progress of the project. City Engineer Smith spoke about waiting for some information from the Army Corps of Engineers and once that is received an update will be provided.

City Engineer Smith informed Council that the City's chip seal program start date had been pushed back to July 20<sup>th</sup> and they would start on Dumas Road. Council asked that signage be placed at each end of Dumas informing drivers of the construction.

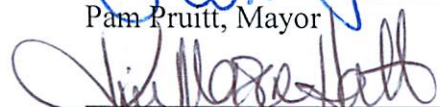
**AUDIENCE COMMUNICATION:**

There were no comments from the audience.

**ADJOURNMENT**

With no objection, Mayor Pruitt adjourned the meeting at 7:00 p.m.

  
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Pam Pruitt, Mayor

  
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Kim Mason-Hatt, Acting City Clerk