

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
Excuse Councilmember Lee Phillips from the meeting	Approved
Move item 19 regarding fireworks to beginning of meeting.	Approved
<b>Presentations</b>	
Employee of the Month for May– Lynn Schroeder	Presented
<b>Approval of Minutes</b>	
Approval of May 9, 2011, City Council Meeting Minutes.	Approved
<b>Consent Agenda</b>	
Approve the May 11, 2011 Claims in the Amount of \$1,346,831.46; Paid by Check Number's 70056 through 70186.	Approved
Approval of May 18, 2011 Claims in the Amount of \$2,144,061.62; Paid by Check Number's 70187 through 70344 with Check Number's 29197, 33408, 68719 and 70179 Voided.	Approved
Approval of May 25, 2011 Claims in the Amount of \$213,889.91; Paid by Check Number's 70345 through 70489 with Check Number 69460 Voided.	Approved
Approval of June 1, 2011 Claims in the Amount of \$1,077,691.56; Paid by Check Number's 70490 through 70613.	Approved
Approval of May 20, 2011 Payroll in the Amount of \$791,772.83; Paid by Check Number's 24245 through 24306.	Approved
Authorize the Mayor to Sign the Professional Services Agreement with Materials Testing and Consulting, Inc. in the Amount of \$71,526.00 and Council Authorize a 5% Management Reserve in the Amount of \$3,576.00 for a Total Allocation of \$75,102.00.	Approved
Acceptance of the Application for The Village Restaurant to Conduct a Special Event as Described from June 17-18, 2011.	Approved
Acceptance of the Application for GA Maxwell's to Conduct a Special Event as Described from June 17-18, 2011.	Approved
Authorize the Mayor to Sign the Supplemental 5 to the Professional Services Agreement with BergerABAM in the Amount of \$299,633.00, and the Council to Authorize a 5% Management Reserve in the Amount of \$14,982.00, for a Total Allocation of \$314,615.00.	Approved
Authorize the Mayor to Sign the Washington State Department of Corrections Project Agreement Addendum for Use of the Community Service Crews from July 1, 2011 to June 30, 2012.	Approved
Authorize the Mayor to Sign the Supplemental Number 1 to the Professional Services Agreement With FCS Group, Providing for a No Cost Extension of the Agreement End Date, to July 31, 2011.	Approved
Approval of the June 8, 2011 Claims in the Amount of \$355,846.14; Paid by Check Number's 70614 through 70694.	Approved
Approval of the June 3, 2011 Payroll in the Amount of \$1,350,558.63; Paid by Check Number's 24308 through 24377 with Check Number 21788 Voided and Reissued with Check Number 24307.	Approved
<b>Review Bids</b>	
Staff Recommends that Council Reject the Bid from Graham Contracting,	Approved

LTD as Non-Responsive, and Council Authorize the Mayor to Award the Bid for the Lakewood Triangle Access/156th Street Overcrossing Project to the Second Low Bidder Guy F. Atkinson Construction in the Amount of \$9,394,048.20 Including Washington State Sales Tax and Approve a Management Reserve of \$400,000.00 for a Total Allocation of \$9,794,048.20.	
<b>Public Hearings</b>	
Public Hearing for Consideration of the First Amendment to 2003 Agreement between the City of Marysville and Public Utility District No. 1 of Snohomish County for Water Supply.	Held
Authorize the Mayor to execute the First Amendment to 2003 Agreement between the City of Marysville and Public Utility District No. 1 of Snohomish County for Water Supply.	Approved
<b>New Business</b>	
An Ordinance of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking, Damaging and Acquisition of Land and Other Property for the Purpose of Constructing 51st Avenue N.E. from 84th Street N.E. to 88th Street N.E. and Associated Street Improvements.	Approved Ord. No. 2863
A Resolution of the City of Marysville Amending the ICMA-RC Deferred Compensation Plan and Trust to Include the Associated Roth Amendment.	Approved Res. No. 2305
A Resolution of the City of Marysville Amending Resolution Number 2260, and Adopting Revisions to the Personnel Rules of the City of Marysville, Workplace Health and Safety - Return to Work Procedures and Temporary Light Duty Policy.	Approved Res. No. 2306
A Resolution of the Marysville City Council Enacted in Accordance with, and In Alignment to the Provisions of MMC 2.12.030 Adopting a Disaster Debris Management Plan for the City of Marysville, Washington.	Approved Res. No. 2307
An Ordinance of the City of Marysville, Washington Amending Marysville Municipal Code Section 9.20.080 Relating to Permits for Fireworks Stands.	Approved Option 3
An Ordinance of the City of Marysville, Washington Adopting a New Chapter 3.87 to Marysville Municipal Code "Natural Gas Tax."	Approved Ord. No. 2864
An Ordinance of the City of Marysville, Washington, Amending the City's Comprehensive Plan by Adopting the 88th Street Master Plan; Amending the City's Development Regulations by Adopting MMC Chapter 22C.085; and Amending MMC 22A.010.160 Related to Tracking Amendments to the City's Uniform Development Code.	Approved Ord. No. 2865
<b>Mayor's Business</b>	
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Recess</b>	8:00 p.m.
<b>Executive Session</b>	8:05 p.m.
<b>Real Estate – 3 items concerning acquisition of real estate</b>	

Reconvenement	8:20 p.m.
<b>ACTION</b>	
Adjournment	8:22 p.m.

# COUNCIL



# MINUTES

## **Regular Meeting** *June 13, 2011*

### **Call to Order / Pledge of Allegiance**

Mayor Nehring called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

### **Roll Call**

Chief Administrative Officer Hirashima gave the roll call. The following staff and councilmembers were in attendance.

**Mayor:** Jon Nehring

**Council:** Carmen Rasmussen, Jeff Seibert, John Soriano, Michael Stevens, Jeff Vaughan, and Donna Wright

**Absent:** Lee Phillips

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Chief Smith, Chief Information Officer Doug Buell, Senior Planner Chris Holland, Recording Secretary Laurie Hugdahl.

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Wright, to excuse Councilmember Lee Phillips from the meeting tonight for medical reasons.

**Motion** passed unanimously (6-0).

### **Committee Reports**

Councilmember Seibert reported on the June 8 **Snohomish County Solid Waste Advisory Board** meeting where they discussed the following:

- Tire amnesty event – They received about 6,000 tires
- Solid Waste Comprehensive Plan
- Glass is becoming non-recyclable due to the market. No one is recycling glass because of contaminations and other issues.

Councilmember Seibert then reported on the **Public Works Committee Meeting** where the following topics were discussed:

- Interlocal with PUD
- Connections at Marysville West sewer and water system
- Qwuloolt Project update
- Economic Summit update
- Pavement Management System update

## **Presentations**

### **A. Employee of the Month**

- Lynn Schroeder, Executive Assistant - Mayor Nehring described and commended the tremendous work done by Ms. Schroeder for the Mayor's office.

## **Audience Participation**

None.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Rasmussen, to move item number 19 regarding fireworks to the front of the agenda so members of the public can get to the high school graduation. **Motion** passed unanimously (6-0).

### **19. An Ordinance of the City of Marysville, Washington Amending Marysville Municipal Code Section 9.20.080 Relating to Permits for Fireworks Stands.**

CAO Hirashima stated that they made contact with Kiwanis Club about the permits they applied for under TNT fireworks and they indicated that they had two permits they were not able to use. Staff's recommendation is to comply with the 8 permit limit, and issue one to Western.

Ryan Brown, 7215 51<sup>st</sup> Ave NE, Lake Stevens, WA, a pastor at Bethlehem Lutheran, thanked the City for their consideration of this issue. He described how the proceeds from this stand would be used to help the youth in their church.

Mark Madeira, Western Fireworks, Inc., Aurora, OR, expressed appreciation for consideration for one of these permits. He thanked the Council for the opportunity to speak in front of them for the first time.

CAO Hirashima stated that they are recommending approval of Option 3.

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Seibert, to approve Option 3 to approve seven permits to TNT and one to Western Fireworks, complying with the maximum of eight as is currently stated in the code.

Councilmember Seibert stated that he would like to look at how they can make this process fairer in the future so they avoid this type of issue. Also if the applicants can't fulfill their obligation to use the permit, he requested that they return those or notify the City as early as possible.

Councilmember Rasmussen said she would like feedback from both companies about whether they would prefer a lottery system or a maximum number.

**Motion** passed unanimously (6-0).

### **Approval of Minutes**

#### **1. Approval of May 9, 2011 City Council Meeting Minutes.**

Councilmember Rasmussen referred to her comments under Call on Councilmembers, p. 7 of 8, and noted that they should read: "She congratulated Jim Ballew on the great job done with the Fishing Derby. She stated that she also enjoyed Cinco de Mayo."

**Motion** made by Councilmember Soriano, seconded by Councilmember Vaughan, to approve the minutes as amended. **Motion** passed unanimously (6-0).

### **Consent**

- 2. Approve the May 11, 2011 Claims in the Amount of \$1,346,831.46; Paid by Check Number's 70056 through 70186.**
- 3. Approval of May 18, 2011 Claims in the Amount of \$2,144,061.62; Paid by Check Number's 70187 through 70344 with Check Number's 29197, 33408, 68719 and 70179 Voided.**
- 4. Approval of May 25, 2011 Claims in the Amount of \$213,889.91; Paid by Check Number's 70345 through 70489 with Check Number 69460 Voided.**
- 5. Approval of June 1, 2011 Claims in the Amount of \$1,077,691.56; Paid by Check Number's 70490 through 70613.**
- 6. Approval of May 20, 2011 Payroll in the Amount of \$791,772.83; Paid by Check Number's 24245 through 24306.**
- 10. Authorize the Mayor to Sign the Professional Services Agreement with Materials Testing and Consulting, Inc. in the Amount of \$71,526.00 and Council Authorize a 5% Management Reserve in the Amount of \$3,576.00 for a Total Allocation of \$75,102.00.**
- 11. Acceptance of the Application for The Village Restaurant to Conduct a Special Event as Described from June 17-18, 2011.**

12. **Acceptance of the Application for GA Maxwell's to Conduct a Special Event as Described from June 17-18, 2011.**
13. **Authorize the Mayor to Sign the Supplemental 5 to the Professional Services Agreement with BergerABAM in the Amount of \$299,633.00, and the Council to Authorize a 5% Management Reserve in the Amount of \$14,982.00, for a Total Allocation of \$314,615.00.**
14. **Authorize the Mayor to Sign the Washington State Department of Corrections Project Agreement Addendum for Use of the Community Service Crews from July 1, 2011 to June 30, 2012.**
15. **Authorize the Mayor to Sign the Supplemental Number 1 to the Professional Services Agreement With FCS Group, Providing for a No Cost Extension of the Agreement End Date, to July 31, 2011.**
23. **Approval of the June 8, 2011 Claims in the Amount of \$355,846.14; Paid by Check Number's 70614 through 70694.**
24. **Approval of the June 3, 2011 Payroll in the Amount of \$1,350,558.63; Paid by Check Number's 24308 through 24377 with Check Number 21788 Voided and Reissued with Check Number 24307.**

**Motion** made by Councilmember Wright, seconded by Councilmember Soriano, to approve all Consent Agenda items. **Motion** passed unanimously (6-0).

#### **Review Bids**

7. **Staff Recommends that Council Reject the Bid from Graham Contracting, LTD as Non-Responsive, and Council Authorize the Mayor to Award the Bid for the Lakewood Triangle Access/156th Street Overcrossing Project to the Second Low Bidder Guy F. Atkinson Construction in the Amount of \$9,394,048.20 Including Washington State Sales Tax and Approve a Management Reserve of \$400,000.00 for a Total Allocation of \$9,794,048.20.**

Director Nielsen explained that the apparent low bidder claims that there was an error in their bid in that they did not include sales tax in their line items. This was verified by staff. His recommendation is to determine them a non-responsive bidder and award the bid to the second lowest bidder.

Charlie Digasperis, representing Atkinson, stated that he is hopeful that Council will pass the motion.

**Motion** made by Councilmember Seibert, seconded by Councilmember Stevens, to Award the Bid for the Lakewood Triangle Access/156th Street Overcrossing Project to the Second Low Bidder Guy F. Atkinson Construction in the Amount of \$9,394,048.20

Including Washington State Sales Tax and Approve a Management Reserve of \$400,000.00 for a Total Allocation of \$9,794,048.20. **Motion** passed unanimously (6-0).

### **Public Hearings**

- 8. Public Hearing for Consideration of the First Amendment to 2003 Agreement between the City of Marysville and Public Utility District No. 1 of Snohomish County for Water Supply.**

City Attorney Grant Weed discussed the purpose of the public hearing, gave a summary of the background on the proposed action.

Mayor Nehring opened the public hearing at 7:31. Seeing no public comments, the hearing was closed at 7:31 p.m.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Seibert, to authorize the Mayor to execute the First Amendment to 2003 Agreement between the City of Marysville and Public Utility District No. 1 of Snohomish County for Water Supply. **Motion** passed unanimously (6-0).

### **New Business**

- 9. An Ordinance of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking, Damaging and Acquisition of Land and Other Property for the Purpose of Constructing 51st Avenue N.E. from 84th Street N.E. to 88th Street N.E. and Associated Street Improvements.**

Director Nielsen explained that this is a condemnation ordinance for three properties in that corridor.

Jon and Sara Murray, 5103 86<sup>th</sup> Place NE, Marysville, WA 98270, stated that they are one of the houses affected in this project. He requested that their economic circumstances be taken into consideration.

Mayor Nehring clarified that the Murrays' property is not included in this Ordinance.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Wright, to approve Ordinance No. 2863, "An Ordinance of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking, Damaging and Acquisition of Land and Other Property for the Purpose of Constructing 51st Avenue N.E. from 84th Street N.E. to 88th Street N.E. and Associated Street Improvements." **Motion** passed unanimously (6-0).

- 16. A Resolution of the City of Marysville Amending the ICMA-RC Deferred Compensation Plan and Trust to Include the Associated Roth Amendment.**

**Motion** made by Councilmember Wright, seconded by Councilmember Seibert, to adopt Resolution No. 2305. **Motion** passed unanimously (6-0).

17. **A Resolution of the City of Marysville Amending Resolution Number 2260, and Adopting Revisions to the Personnel Rules of the City of Marysville, Workplace Health and Safety - Return to Work Procedures and Temporary Light Duty Policy.**

**Motion** made by Councilmember Seibert, seconded by Councilmember Soriano, to adopt Resolution No. 2306. **Motion** passed unanimously (6-0).

18. **A Resolution of the Marysville City Council Enacted in Accordance with, and In Alignment to the Provisions of MMC 2.12.030 Adopting a Disaster Debris Management Plan for the City of Marysville, Washington.**

Councilmember Seibert thanked everyone who participated in this process.

**Motion** made by Councilmember Seibert, seconded by Councilmember Rasmussen, to adopt Resolution No. 2307 and authorize the **Mayor** to sign the Debris Management Plan Resolution. **Motion** passed unanimously (6-0).

20. **An Ordinance of the City of Marysville, Washington Adopting a New Chapter 3.87 to Marysville Municipal Code "Natural Gas Tax."**

Councilmember Seibert clarified that they are not adding a new tax, just clarifying the rules as they already apply. Finance Director Langdon confirmed this.

**Motion** made by Councilmember Wright, seconded by Councilmember Seibert, to adopt Ordinance No. 2864. **Motion** passed unanimously (6-0).

21. **This Item was Removed from the Agenda.**
22. **An Ordinance of the City of Marysville, Washington, Amending the City's Comprehensive Plan by Adopting the 88th Street Master Plan; Amending the City's Development Regulations by Adopting MMC Chapter 22C.085; and Amending MMC 22A.010.160 Related to Tracking Amendments to the City's Uniform Development Code.**

Senior Planner Holland discussed an additional public comment letter which had been distributed to Council from Ms. Judy Zugish, 8220 State Avenue. Mr. Holland clarified that no roads would be going through until development occurs. They are not proposing any public roads in that area; there will only be private ones where the development occurs. Her business can continue to flourish there as long as she would like it to.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Soriano, to adopt Ordinance No. 2865. **Motion** passed unanimously (6-0).

## **Mayor's Business**

- Thanks to everyone who participated in the Relay for Life. As of Saturday morning they had raised \$165,000. The City Slickers team alone raised about \$3,000. He is proud that Marysville-Tulalip put on such a nice event and raised so much money for the cause.
- Strawberry Festival will be in full swing this weekend.

## **Staff Business**

Jim Ballew:

- Recognized Jon Murray's accomplishments and contributions to the community.
- He hopes to see many people at the fashion show.
- Trike race has been cancelled as of today.
- Fire District volunteers helped to relight the tower with a different color scheme.

Chief Smith:

- Looking forward to Strawberry Festival
- Crime stats are down 21%. They are very hopeful and hope this trend continues.
- School district has dropped funding of SRO positions. Police will look at a different model for how they work with the school district.

Kevin Nielsen:

- He stated that there is a very light agenda for Public Works Committee this month. There was consensus to postpone the meeting until September.
- Strawberry Festival – Public Works is getting ready for garbage and recycling. They have contacted WSDOT and reader boards should be out.

Sandy Langdon:

- Finance Committee agenda is very light. There was consensus to cancel this meeting.
- Entrance meeting with auditors this week.

Grant Weed:

- Commented on how appropriate it was to recognize Lynn Schroeder tonight.
- Stated the need for an Executive Session to discuss three matters concerning acquisition of real property expected to take 15 minutes. Staff will be asking council for action following the Executive Session.

Gloria Hirashima:

- Thanked Chris Holland and the Planning Commission for their work on the Plan.

## **Call on Councilmembers**

Carmen Rasmussen stated that she is looking forward to the Strawberry Festival and kicking off her career as a fashion model.

Soriano said he is looking forward to Strawberry Festival. He informed Chief Smith that two of three committee members for the Public Safety Committee will be out of town. There was consensus to postpone the meeting until July.

Michael Stevens:

- He is looking forward to the events this weekend.
- He echoed the positive comments regarding Lynn Schroeder.

Jeff Vaughan had no comments.

Donna Wright:

- Stated that she was very impressed with the Relay for Life.
- She is looking forward to the Strawberry Festival.
- Thanks to Lynn Schroeder for all she does.
- Chief Smith's volunteers that came around to all the businesses before the parade were very helpful

Jeff Seibert said he can't wait to see the dirt moved at 156<sup>th</sup>.

## Adjournment

Seeing no further business Mayor Nehring recessed the meeting at 7:56 p.m. The meeting reconvened at 8:05 for 15 minutes until 8:20 to discuss three matters concerning acquisition of real property.

## Executive Session

- A. Litigation - None
- B. Personnel - None
- C. Real Estate – 3 items pursuant to RCW 42.30.110 (1)(b)

Council reconvened at 8:20 p.m.

**Motion** made by Councilmember Seibert, seconded by Councilmember Rasmussen, to Approve the Real Estate Purchase and Sale Agreement with Lee Douglas. **Motion** passed unanimously (6-0).

**Motion** made by Councilmember Wright, seconded by Councilmember Soriano, to Approve the Real Estate Purchase and Sale Agreement with Daniel Simpson. **Motion** passed unanimously (6-0).

**Motion** made by Councilmember Stevens, seconded by Councilmember Vaughan, to Approve the Real Estate Purchase and Sale Agreement with Ken and Marilyn Guy. **Motion** passed unanimously (6-0).

**Adjournment**

The meeting was adjourned at 8:25 p.m.

Approved this 11<sup>th</sup> day of July, 2011.

  
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Mayor  
Jon Nehring

  
\_\_\_\_\_  
April O'Brien  
Deputy City Clerk