

**MINUTES RECAP  
MARYSVILLE CITY COUNCIL - REGULAR MEETING  
JUNE 11, 2001**

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<b>I. Call to Order</b>	7:00 p.m.
<b>II. Pledge of Allegiance</b>	
<b>III. Roll Call</b>	Dierck excused.
<b>IV. Public input on items not on the agenda</b>	
None.	
<b>V. Approval of Minutes</b>	
1. City Council regular meeting, May 29, 2001	Approved as corrected.
2. City Council work session, June 4, 2001	Approved as presented.
<b>VI. Consent agenda</b>	
A. Approve June 11, 2001 claims in the amount of \$742,567.99, paid by check Nos. 59340 through 59588.	Approved
B. Approve May, 2001 payroll in the amount of \$958,978.14, paid by check No. 40711 through 40901 with check No. 40901 void.	Approved
C. Approve fireworks stand permits for the Knights of Columbus (1 Stand), Marysville Kiwanis (4 Stands), Marysville Tulalip Information Center (1 Stand), Woodside New Life Assembly Church (1 Stand), and Woodside New Life Assembly Youth Choir (1 Stand).	Approved
D. Authorize Mayor to sign contracts for deferred construction of curbs, gutters, & sidewalks; Scott Ray.	Approved
<b>VII. Action items</b>	
<b>A. Review bids</b>	
1. Golf carts	Awarded bid to EZ-GO Farwest Inc.
2. Cedarcrest golf course restaurant	Awarded bid to Allied Construction
<b>B. Current Business</b>	
1. Interlocal Agreement with City of Arlington for municipal court services	Approved
2. Council process/procedures - Resolution No. 2035	Information not ready; deferred to next meeting.
<b>C. New Business</b>	
1. Franchise agreement ordinance with Snohomish County	Approved
<b>VIII. Ordinances and Resolutions</b>	
None.	
<b>IX. Information Items</b>	
A. Mayor's business	
1. Nominated Dierdre Kvangnes to Planning Commission.	Approved
3. Accept donation of van from Washington Oakes.	Approved
6. MaryFest fireworks at public works lagoon.	Approved
<b>X. Executive Session</b>	
1. Authorize Mayor to sign settlement agreement as discussed in Executive Session.	Approved
<b>XI. Adjourn</b>	10:14 p.m.

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**MINUTES**  
**MARYSVILLE CITY COUNCIL - REGULAR MEETING**  
**JUNE 11, 2001**

**I. Call to Order**

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers.

**II. Pledge of Allegiance**

The assemblage joined in the flag salute.

**III. Roll Call**

A voice roll call of councilmembers was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Mary Swenson, Chief Administrative Officer
Mike Leighan, Mayor Pro Tem	Robert Carden, Chief of Police
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennick	Grant Weed, City Attorney
Donna Pedersen	Ken Winckler, Public Works Director
Suzanne Smith	
John Soriano	

Mayor Weiser advised that Councilmember Dierck was on vacation and, barring objections, the absence would be deemed excused. There were no objections.

**IV. Public input on items not on the agenda**

None.

**V. Approval of Minutes**

1. City Council regular meeting, May 29, 2001.

Councilmembers noted the following corrections.

- \*\* - Page 7, top of page, June 7 date was incorrect.
- Page 7, revise to Call on Councilmembers.
- Page 7, under Pedersen, revise to "LEOFF I funds ... which may be available to the cities."

**MOTION** by Pedersen, second by Bartholomew, to approve the minutes of the May 29, 2001 regular council meeting as corrected. Motion carried (6-0).

**\*\*Editor's Note:** Upon review of the audio tapes, the June 7 date referred to the date the topic of goals would be discussed by the Directors with Ms. Swenson noting that this topic would be an item for discussion by Council sometime in July.

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1. City Council Work Session, June 4, 2001.

**MOTION** by Leighan, second by Brennick, to approve the June 4, 2001 work session minutes as presented. Motion carried (6-0).

**VI. Consent agenda**

- A. Approve June 11, 2001 claims in the amount of \$742,567.99, paid by check Nos. 59340 through 59588.
- B. Approve May, 2001 payroll in the amount of \$958,978.14, paid by check No. 40711 through 40901 with check No. 40901 void.
- C. Approve fireworks stand permits for the Knights of Columbus (1 Stand), Marysville Kiwanis (4 Stands), Marysville Tulalip Information Center (1 Stand), Woodside New Life Assembly Church (1 Stand), and Woodside New Life Assembly Youth Choir (1 Stand).
- D. Authorize Mayor to sign contracts for deferred construction of curbs, gutters, & sidewalks; Scott Ray.

**MOTION** by Bartholomew, second by Brennick, to approve consent agenda items A, B and C. Motion carried (6-0).

Regarding item D, Mr. Weed explained that city code allowed the Public Works Director to administratively approve variances, but where a contract was being entered into, such as this case, it was appropriate to have council approval. Mr. Winckler added that this was an older plat without curbs, gutters and sidewalks.

**MOTION** by Bartholomew, second by Leighan, to approve consent agenda item D. Motion carried (6-0).

**VII. Action Items**

**A. Review Bids**

1. Golf carts.

Mr. Weed questioned Councilmember Bartholomew about any contractual or financial interest she might have in any other golf course; she said there was none. Mr. Weed advised it was appropriate for her to participate in this action.

Mr. Ballew reviewed the agenda materials, noting the bid from EZ-GO Farwest of \$114,015.60 was the lowest responsible bid for a 36-month lease program. Leasing gave the city an opportunity to spread its expenditure over a longer period. The city would own the carts at the end of the lease period and there was no prepayment penalty for early pay-off. The funds were in the city's operating budget. Rob Lindsey, Cedarcrest General

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Manager, added that the city's course was paved and with careful maintenance the carts should have a life greater than six to eight years. Electric carts had not been considered because installation of the electric service to charge them would have been an additional \$50,000 and other course managers using electric carts said gas carts were preferable from a maintenance and life span perspective. A cart pad had been installed and in the winter the carts would be stored in the main building and rotated.

The Mayor called for public comments; there were none.

**MOTION** by Bartholomew, second by Brennick, to accept the bid of EZ-GO Farwest Inc. for 30 golf gasoline powered carts, with options as listed, said purchase to be via a 36-month lease, said lease to be reviewed by the city attorney prior to execution. Motion carried (6-0).

2. Cedarcrest golf course restaurant.

Mr. Ballew backgrounded council noting that nine bids had been received. The lowest bid was from Allied Construction for \$785,253, which was 2% under the architect's estimate. Staff checked the company's references and found they had performed responsibly on the Legion Park and Camp Killoqua projects. Also, the architect had worked with them on two projects and felt they had performed efficiently. The Department of Labor & Industries showed no claims on file. The work was expected to begin by the end of June. The contractor had 100 days to complete the Pro Shop then 100 days to complete the restaurant.

The Mayor called for public comments; there were none.

**MOTION** by Bartholomew, second by Pedersen, to accept the bid of Allied Construction and award the contract to them for \$785,253 for the Cedarcrest restaurant and pro-shop project, and authorize the Mayor to sign the contract after review by the city attorney. Motion carried (6-0).

**B. Current Business**

1. Interlocal Agreement for municipal court services for the City of Arlington.

Suzanne Larsen, Court Administrator, noted the agreement in the agenda contained the changes discussed at the council's June 4 work session.

Councilmember Brennick stated he had met with Ms. Larsen about his questions and concerns; he felt they had been fully answered and he would support the interlocal agreement. Councilmember Smith expressed concerns about Marysville taking on work for neighboring cities to the possible detriment of its citizens. Ms. Larsen responded that lack of space was a continuing problem even without accepting Arlington's cases. Contracting with Arlington would bring in revenue to help defray the cost of any future expansion. Councilmember Leighan cited the Fire District as an

example where two districts working together had been able to purchase land and build a new station at no additional cost to the taxpayers. Also, the contract with Whatcom County to transport prisoners saved the city's taxpayers a significant amount. Councilmember Soriano requested a copy of Arlington's caseload report.

Ms. Swenson advised that the city's overall space study was progressing. The in-house work was almost completed and staff would soon propose a consultant to complete the study.

Council noted the following corrections to the agreement: page 2, 4. Public defender, change "may" to "shall;" page 3, 3. Fees, 4<sup>th</sup> line revise to "pursuant to section 10 below...;" page 4, 6. Performance Measures, 4<sup>th</sup> line revise to Chief Administrative Officer; Page 8 should be labeled as Exhibit A."

The Mayor called for public comments.

Jeff Seibert, 5004 80<sup>th</sup> Street, asked if the \$54,000 payment from Arlington would be the net amount coming to the city. Ms. Larsen responded that \$54,000 was the gross amount estimated based on Arlington's 2001 filings.

There being no one else wishing to speak, the Mayor closed the public comment portion of the topic.

**MOTION** by Bartholomew, second by Leighan, to approve the Interlocal Agreement with the City of Arlington for municipal court services, with the corrections noted above. Motion carried (6-0).

2. Council process/procedures – Resolution No. 2035

Mayor Weiser advised that the item had not been ready in time for this meeting so would be on the next agenda.

**C. New Business**

1. Franchise agreement ordinance with Snohomish County

Mr. Winckler gave a brief review, noting the Snohomish County Council had approved the agreement.

The Mayor called for public comments; there were none.

**MOTION** by Bartholomew, second by Leighan, to approve the Franchise Agreement Ordinance with Snohomish County, correcting the scrivener's errors as needed. Motion carried (6-0).

The Mayor called for a short recess, then reconvened the meeting.

VIII. Ordinances and Resolutions

None.

IX. Information Items

A. Mayor's business

1. Appointment of Deirdre Kvangnes to the Planning Commission

Mayor Weiser apologized that the information about the applicants and his recommendation had not been available until today. He placed the name of Deirdre Kvangnes before council for consideration and approval.

**MOTION** by Pedersen, second by Bartholomew, to approve the Mayor's recommendation and appoint Deirdre Kvangnes to the Planning Commission.

**DISCUSSION ON MOTION.** Councilmember Smith questioned whether Ms. Kvangnes' application had complied with the deadline requirement, expressed concern about adding another representative from the development/real estate sector, and that applicant Seibert had evidenced more interest and involvement by attending nearly all of the Commission's meetings. Mayor Weiser responded that Ms. Kvangnes had met the application deadline via phone.

**CALL FOR QUESTION.** Motion by Pedersen to cut off debate. On roll call vote, Smith voted nay; all others voted aye; motion carried (5-1).

**VOTE ON MOTION.** Smith voted nay; all others voted aye; motion carried (5-1).

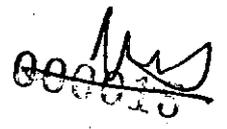
2. Memo from Jim Ballew - basketball court

Mr. Ballew spoke briefly about the Sonics' desire to partner with the city to install a basketball court in memory of a Marysville youth. They would contribute two goal posts with nets and the striping. Construction of the court would fall to the city. The Parks and Recreation Advisory Board recommended siting this at the Cedarcrest Reservoir. After discussion, council agreed to pursue the opportunity and directed staff to obtain further information.

3. Memo from Jim Ballew - van donation

Mr. Ballew explained that Washington Oakes desired to donate its current 25-passenger van to an entity that provided senior services. Marysville was chosen as the potential recipient. The city currently contracted for trips but having its own van would be preferable. There were several certified drivers on city staff already, but specialized training would be needed. Mr. Kennedy advised that he had checked the vehicle and it would need some transmission repairs which would cost \$2500 to \$3500, but overall it was sound. Mr. Ballew added that the van could be used for other purposes, such as new employee tours, site visits by city council, and transporting MaryFest VIP's.

**MOTION** by Bartholomew, second by Brennick, to authorize staff to proceed with receiving the donation of the 25-passenger van from Washington Oakes. Motion carried (6-0).

  
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- Reminded councilmembers that he and Councilmembers Soriano and Smith would be the voting delegates at the AWC convention. Councilmembers concurred.
- Advised he had received a notice that on June 20 from 8 p.m. to 6 a.m. on the 21<sup>st</sup> the northbound on-ramp from 528 to I-5 would be closed for signal work.
- Maryfest had approached the city for permission to stage a fireworks display at the public works lagoon. Chief Corn added further background information and noted that the Department had investigated this site and approved.  
John McNew, 5433 30<sup>th</sup> SW, Seattle, the pyrotechnician, stated he had been licensed in the state for 16 years and had the necessary permits and insurance. He explained that the casings on the fireworks were cardboard or paper, not plastic, and would be in small pieces before falling into the lagoon. He would call Arlington Airport and advise them that the fireworks were planned.  
**MOTION** by Bartholomew, second by Brennick, to approve the MaryFest fireworks display at the public works facility as requested, subject to permit approval by Chief Corn and review by the city attorney. Motion carried (6-0).
- Introduced Roberta Stevens, the new Recording Secretary for several boards and commissions and eventually the city council.

**B. Staff's business**

Hirashima

- The second community meeting on the Sub-Area Plan would be June 19 at the Lakewood High School Commons, beginning at 6:00 p.m.

**C. Call on Councilmembers**

Leighan

- Requested that Madeleine Villa receive advance notice of the fireworks display.
- Requested an update on the water tower.

Smith

- Asked for information on how the LEOFF I refund would be used if the city received it.

Pedersen

- Advised that Dr. Eisenhower had announced he would be leaving Marysville School District to take another position. She requested that the city send a letter thanking him for his city involvement.

**X. Executive Session**

Council adjourned into Executive Session at 9:20 p.m. to discuss two matters of pending litigation, one matter of potential litigation, and one personnel matter.

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**XI. Reconvene and adjourn**

The council reconvened into regular session at 10:13.

**Motion** by Pedersen, second by Bartholomew to authorize the Mayor to sign the settlement agreement as discussed in Executive Session. Motion carried unanimously (6-0).

The June 11, 2001 meeting of the Marysville City Council adjourned at 10:14 p.m.

Accepted this 25<sup>th</sup> day of June, 2001.

*David W. ...*  
Mayor

*Lucie Lein*  
Deputy City Clerk

*Ann M. ...*  
Recording Secretary

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**MINUTES  
MARYSVILLE CITY COUNCIL  
WORK SESSION  
JUNE 4, 2001**

**CALL TO ORDER/FLAG SALUTE/ROLL CALL**

The work session was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute.

On roll call, attendance was as follows:

<b>Councilmembers Present:</b>	<b>Administrative Staff present:</b>
Dave Weiser, Mayor	Mary Swenson, Chief Administrative Officer
Mike Leighan, Mayor Pro Tem	Grant Weed, City Attorney
Shirley Bartholomew	Ken Winckler, Public Works Director
Jim Brennick	Suzanne Larsen, Court Administrator
Donna Pedersen	
Suzanne Smith	
John Soriano	

Mayor Weiser advised that Councilmember Dierck was ill and would not be attending.

Mayor Weiser asked for input on the new format of the council packet. One councilmember requested that a larger font size be used when possible. Ms. Swenson noted that items to be discussed at this meeting were in the notebook with a full briefing. Items for future meetings were also included to allow councilmembers to read ahead and gather information from staff, if needed, prior to the meeting where action was scheduled. An additional item had been added to the June 11 agenda for action, awarding the golf course restaurant bid.

**DISCUSSION ITEMS**

1. Interlocal Agreement with City of Arlington for municipal court services

Suzi Larsen, Marysville Municipal Court Administrator, reviewed the city's contract for court services with the City of Lake Stevens, which would serve as a base for the Arlington contract. The following changes and information were discussed.

- 2.b.4 Public Defender. The city would request that Arlington contract with a public defender to perform those duties, which would allow the city to discontinue providing public defenders for cities. Revised language should read: "Arlington may, at its option, contract for public defender services, in which case it will be responsible for all direct costs associated with the service for Arlington cases."
- Probation services. There was no provision for probation services. Staff desired that the contract require Arlington to contract for these services, preferably with the person that Marysville used. That person carried full liability insurance.

- Case load. Ms. Larsen had estimated a caseload of 1800 citations per year based on Arlington's filing for 2000. That estimate had been revised downwards to 1600 based on filings during the first quarter of 2001.
- Indemnification. Ms. Larsen stated she was unaware of any outstanding claims against the City of Arlington.
- Duration of contract. Ten years.
- Minor corrections. Change "City Administrator" to "Chief Administrative Officer."
- Space constraints. Ms. Larsen noted that the court's need for additional space would exist even without contracting for Arlington's cases.

There were no further questions or additional information requested.

## 2. Council process/procedures - Resolution #2035

Councilmembers reviewed the resolution extensively, noting the following questions and changes.

- General. Ms. Swenson agreed to supply each councilmember with a copy of *Roberts Rules of Order Newly Revised* and schedule a professional for a brief training session.
- Attendance. Staff will provide a list of the accepted reasons for an excused absence, such as illness, illness or hospitalization of a family member, bereavement, business reasons, vacation. At the beginning of a meeting when the Mayor advised that a member was absent, he would state the reason and say "unless there is an objection, we will consider the absence excused."
- Ex parte communications. Mr. Weed noted that using the Hearing Examiner had removed many of the quasi-judicial hearings from council, but when it was conducting one, councilmembers needed to refrain from having discussions with the parties involved or visiting the property. If a site visit were appropriate, then the entire council should go as a group, following much the same structure as a jury would if it were visiting a scene. He agreed to provide councilmembers with additional information about the Appearance of Fairness doctrine. Ms. Swenson added that Councilmember Handbooks were being prepared and would contain a great deal of helpful reference materials. These would be ready for the New Councilmember Orientation in January.
- Decorum. Add language to stop councilmembers from "blindsiding" one another and staff. Packets were now prepared in ample time for inquiries to be made timely before a meeting. Staff should be encouraged to not answer questions made out of order: "I wasn't expecting that question this evening and am not prepared to answer it; I will have that information available on [date]."
- Motions for Reconsideration.

Mayor Weiser left the meeting at this point (8:30 p.m.).

- Motions for Reconsideration (continued). Mr. Weed noted that the existing rules already allowed the flexibility for a councilmember who was absent on

an excused absence to move for reconsideration of a vote taken at the missed meeting. Reconsideration was appropriate when there was a significant change in information or circumstances regarding an issue but not appropriate in instances where the city had already entered into a contract based on that earlier motion.

State statute gave the Mayor the authority to break tie votes with some exceptions. The council could decide if it wanted to establish those situations as final or if those motions were also open to reconsideration.

Mr. Weed agreed to revise this section to include 1) ability of councilmember, absent on an excused absence, to request reconsideration, 2) votes which were not open to being reconsidered, 3) clarification regarding how the matter was to be brought up (as an agenda item or under "call on councilmembers"), and 4) define situations where the Mayor's tie-breaking vote could not be challenged.

- Meetings – adjournment. Revise to read "unless extended by approval of a motion of..."
- Controlling meetings. Council should have training on the conduct of a proper council meeting.
- Points of order. When a Point of Order was raised, the Mayor would decide unless a majority of the council disagreed, in which case *Roberts Rules* would govern.
- Minor corrections. Change "work shops" to "work sessions" where applicable.
- Executive Sessions. Staff will prepare signs to be posted on meeting room doors advising citizens that council is in Executive Session. (Will not be included in Resolution).
- Meeting place. If council desired an informal setting, including round tables, the meeting could be held in the Fire Training Room, but space for visitors was limited.
- Agenda. Mr. Weed will prepare language requiring co-sponsorship of an item in order to place it on the agenda.
- Public Testimony. Mr. Weed will prepare language clarifying the need for a citizen to request permission to speak on an agenda item, and language indicating that public comments would be taken at times other than public hearings.
- Time limitations. Revise to "the 3-minute limit may be extended by approval of the Mayor or by approval of a majority of council." Regarding the option of one person speaking for a group and using more than three minutes, Mr. Weed noted that different arrangements need to be made for differing situations. Language could be added to the back of the agenda "persons may donate their time to a representative, not to exceed an amount of time reasonable under the circumstances."
- Written comments. Change "Thursday" to "Wednesday."
- Periodic review. Change "even year" to "odd year."
- Parliamentary training. Ms. Swenson agreed to research providing council with training.

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3. Council calendar.

Comments included:

- When council continued its discussion of Goals, budget expectations and timing would also be discussed and then placed on the calendar. Consider July 16 for that discussion.
- Consider having more than two retreats per year.
- Add community festivals, AWC conference, known special workshops.

**ADJOURN**

The work session adjourned at 9:30 p.m.

Accepted this 11<sup>th</sup> day of June, 2001.

*David Wuser*  
Mayor

*Perry Becker*  
City Clerk

*Ann M. Auer*  
Recording Secretary