

COUNCIL



MINUTES

Work Session
October 18, 2010

Call to Order / Invocation / Pledge of Allegiance

Mayor Nehring called the October 18, 2010 Work Session to order at 7:00 p.m. He led those present in the Pledge of Allegiance.

Roll Call

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

Mayor: Jon Nehring

Councilmembers: Lee Phillips, Jeff Seibert, John Soriano, Michael Stevens, Jeff Vaughan and Donna Wright

Absent: Carmen Rasmussen

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Paul McMurray, Chief Smith, Commander Robb Lamoureux, Court Administrator Suzanne Elsner, Public Works Director Kevin Nielsen, Planning Manager Cheryl Dungan, and Recording Secretary Laurie Hugdahl.

CAO Hirashima noted that Carmen Rasmussen was out of town.

Motion made by Councilmember Wright, seconded by Councilmember Seibert, to excuse Councilmember Rasmussen from tonight's meeting. **Motion** passed unanimously (6-0).

Committee Reports - None

Presentations

Discussion Items

Approval of Minutes

1. Approval of September 27, 2010 City Council Meeting Minutes.
2. Approval of October 7, 2010 City Council Special Meeting Minutes.
3. Approval of October 4, 2010 City Council Work Session Minutes.

Consent

4. Approval of October 6, 2010 Claims in the Amount of \$601,774.83; Paid by Check Number's 65877 through 65981 with No Check's Voided.
5. Approval of October 13, 2010 Claims.
6. Approval of October 20, 2010 Payroll.

Review Bids

7. Award Boys and Girls Club Lighting Retrofit Project.

Director Nielsen explained that they had looked into using some of the Energy Efficient and Conservation Block Grant Money from Public Safety to cover some of the additional costs for the Boys and Girls Club and they learned that they could do that. Staff is now recommending moving forward with this project.

Public Hearings

New Business

8. Third Renewal/Amendment of Intergovernmental Facilities Use Agreement between the City of Marysville and the U.S. Bankruptcy Court.

Suzy Elsner explained that this is a renewal of the facility use agreement between the City and the US Bankruptcy Court with an associated fee increase.

9. Renewal of Marysville School District No. 25 and the City of Marysville for School Resource Officer Agreement and Payment Schedule Addendum.

Robb Lamoureux said that this is a renewal agreement with two additional SROs being added. The school district's assessment is 50%.

Mayor Nehring stated that this is encouraging to see.

10. Amendment No. 1 to Janitorial Services Contract between the City of Marysville and Advantage Building Services in the Amount of \$57,936.79.

Director Nielsen said they would like to amend the current contract for one more year. Staff is in support of moving this forward at the cost it was last year.

11. Renewal of Animal Shelter Interlocal Agreement with the City of Everett.

Chief Smith said that this is a renewal of the current contract. The shelter has dropped the price per animal from \$164 to \$155.

12. An Ordinance of the City of Marysville Amending Section 10.04.150 of the Marysville Municipal Code, Relating to Fees for Voluntarily Surrendered Animals and Effective Date.

Chief Smith pointed out that last year for the entire year of 2009 the City paid \$78,232 to the animal shelter for surrendered or stray animals. This year to date the city has already spent \$96,924. Staff is recommending adding language to MMC 10.04.150 Section M: *or authorized animal shelter*. This will allow the City to have further discussion regarding charging the public for either surrendered or stray animals.

Councilmember Seibert asked what precipitates the CSO taking up an animal to the shelter versus a citizen. Chief Smith stated that usually the CSO is responding to a call. The police department also gets calls on strays and if they can find the animal they will pick them up. He explained that if a CSO picks up an animal then the city picks up the charge. If it is a surrendered animal the citizens may potentially pay for that. There was discussion about who pays for the strays and surrenders.

Councilmember Seibert remarked that the people who are taking the animals into the shelter are being responsible and saving the city money. He thinks it is unreasonable for a citizen to be charged for bringing in the animal. He thinks if this is implemented people would stop taking animals in and there would be a worse issue. Then if someone loses a pet the likelihood that they would get it back would be much smaller.

Chief Smith felt that there should be some kind of an offset due to the city's extremely difficult budget situation. The change in the MMC would allow the city to set the rates and allow us to tell the animal shelter what to do. It would make it more reasonable for the police department to handle the actual cost of this. He added that they are looking at other options as well. CAO Hirashima commented that they are looking at tools to encourage responsible pet ownership, especially spaying, neutering and licenses. There was discussion about who should be responsible for paying for the shelter fees.

Councilmember Wright stated that many of these costs are paid by citizens who do not even own pets. She would be in support of levying a portion of the cost. She asked about the cost of licenses. Staff explained that the licenses are free if the pet is spayed or neutered.

Mayor Nehring commented that he has looked into having a mobile spay and neuter clinic come to town and it looks like this is a possibility at some point in the future.

Chief Smith commented that this is just a change in the ordinance. It does not change any fees.

13. An Ordinance of the City of Marysville, Washington Related to Mobile/Manufactured Housing, Amending Section 19.04.020 Zones and Map Designations Established; Amending Section 19.04.080 Residential Zone; Amending Section 19.08.030 Residential Land Uses and Amending Footnotes 1; 24; 25 and 26; Amending Section 19.08.040 Recreation/Cultural Land Uses and Amending Footnote 1a; Amending Section 19.08.050 General Services Land Uses; Amending 19.08.060 Government/Business Service Land Uses; Amending 19.08.100 Regional Land Uses; Amending 19.38.030 Mobile/Manufactured Home Park Zone; and Amending 19.38.150 Standards for Existing Parks.

Planning Manager Cheryl Dungan gave a PowerPoint presentation regarding this issue. She reviewed the history on this issue and the current situation. The Planning Commission has reviewed this matter, considered four alternatives, held three workshops and a public hearing. The Planning Commission's recommendation was the creation of a R-MHP Zone specifically for existing MHPs with rental spaces in residential zones which allows multiple uses. The park owner may apply for rezone similar to other zones with specific criteria applied to a rezone.

She then reviewed recommendations on individual parks.

- Glenwood Mobile Estates: Staff recommendation would be to apply R-MHP zone designation
- Emerald Hill Estates: Staff recommendation would be to apply R-MHP zone designation
- Crystal Tree Village: Staff recommendation would be to apply R-MHP zone designation
- La Tierra: Staff recommendation would be to apply R-MHP zone designation
- Cedar Lane Park: Staff recommendation - No action.
- Kellogg Village: Staff recommendation - No action as staff feels this is already protected by the county.
- Liberty Village: Staff recommendation: No action - legal non-conforming use
- Country Mobile Estates: No action - legal non-conforming use
- Twin Cedars: Staff recommendation - No action as consistent with the Comp Plan.
- Brookside: Staff Recommendation - No action
- Mobile Manor: Staff-Recommendation - No action - in a commercial zone, adjacent to I-5
- Midway Gardens: Staff Recommendation - No action - commercial designation
- Mobile Haven: Staff Recommendation - No action - commercial zoning.

Paul McMurray from Grant Weed's office then introduced the Attorney General's Takings Memorandum and recommended that it be discussed further in Executive Session.

Discussion:

Councilmember Wright asked if what Council is being asked to do right now is just adoption of the zoning, not the proposed rezones. Planning Manager Dungan concurred.

Councilmember Seibert asked about their options. Planning Manager Hirashima replied that they could approve, deny, remand or set a public hearing date for further testimony.

14. An Ordinance of the City of Marysville Amending Portions of Marysville Municipal Code Chapter 5.92 Relating to Body Art, Body Piercing and Tattooing or Tattoo Parlors and Providing for Severability.

CAO Hirashima explained that this ordinance is in response to a citizen's request to review this. Staff is recommending ensuring that the applicants just have their state license in addition to the normal city license and associated requirements.

15. An Ordinance of the City of Marysville Amending Marysville Municipal Code Chapter 14.32 Relating to Utility Service Area.

CAO Hirashima explained that this came up in the land use audit by WCIA. Staff is recommending removal/amendment of the sections related to the utility connection review process.

There was some discussion about providing service to areas outside the UGA. If the UGA is expanded in the future, the ordinance will need to be amended further.

Mayor's Business

Mayor Nehring added an item regarding the golf course to the agenda with discussion during the Executive Session and action expected after.

Motion made by Councilmember Vaughan, seconded by Councilmember Wright, to add a golf course item to the agenda. **Motion** passed unanimously.

Other comments from the Mayor:

- He stated that they had a productive Cedar Grove meeting here last week.
- Marysville University on Thursday night was fantastic. The attendance was great and the comments were very positive.
- He had the pleasure of giving opening remarks at the Soroptomists' regional meeting last week. He thanked them for coming to the area.
- Jet City Pizza ribbon cutting will be on Friday at 2 p.m.
- The school district would like to resume the board-to-board meetings. There was consensus to meeting from 7 to 8:30 on January 31, which is the 5th Monday in January.

Staff Business

Sandy Langdon reported the following:

- There are now 178 users on the prescription card program with savings of over \$4,000.

- She reported that The National Bureau of Economic Research claimed that June 2009 is the end of the recession. Any downturn from this point is a new recession.
- Finance Committee is scheduled for this Wednesday.

Kevin Nielsen:

- He stated that Ingraham Blvd has a soft opening tomorrow at noon. The ribbon cutting will be on October 26th.
- The SR9 Coalition and Transportation Group will be meeting this Thursday from 5 to 7 at Angel Arm Works.
- There will be a Public Works Committee meeting on November 5 in the rebuilt conference room.

Commander Lamoureux:

- He commented that they continue to get very positive comments from the school district regarding the SRO.
- They have shared the redeployment decisions with staff. Overall the response has been very favorable. They will also be implementing the overlap shift which will significantly reduce the overtime. Staff has been very professional with all the changes that they are experiencing.

Cheryl Dungan had no further comments.

Tara Mizell reported that Make a Difference Day will be this Saturday, October 23. The first craft show last weekend at the senior center went very well.

Gloria Hirashima commented that the Strawberry Festival costs were distributed to Council. Councilmember Wright asked what should be done with this information. CAO Hirashima commented that it was just information the Council requested. She noted that it will be a sensitive discussion. Councilmember Seibert asked if there was a way to break out sales revenue for that week. Finance Director Langdon said they couldn't by week, but the Strawberry Festival does report their sales tax. Councilmember Seibert recommended reviewing this total versus the costs. He felt that the City should be recovering some of the costs.

CAO Hirashima noted that they had two items for Executive Session with action expected on one item. There was consensus to move into Executive Session for ten minutes, come out and take action, then move back into Executive Session.

Call on Councilmembers

Phillips thanked Council for the excused absence.

Donna Wright said she thoroughly enjoyed Marysville University. The Soroptomists Regional Meeting was very well-attended and successful.

John Soriano asked about the date for Council photos. Mayor Nehring indicated that they were scheduled for October 25. Councilmember Soriano added that he and Councilmember Wright attended the community meeting for the waterfront project, which was not very well attended.

Jeff Vaughan had no comments.

Michael Stevens stated that he would be attending the dinner on Thursday. He reported that the County Auditor's Office installed a ballot drop box at the library.

Jeff Seibert had no comments.

Council recessed at 8:30 for four minutes until 8:35.

Executive Session – started at 8:35 p.m.

At 8:35 the Council immediately went into Executive Session for ten minutes until 8:45 for the purpose of discussing one potential litigation item regarding a lease termination and settlement agreement for the golf course. Action was expected.

Motion made by Councilmember Wight, seconded by Councilmember Phillips to sign lease termination and settlement agreement with Northwest Food and Beverage, LLC. Motion passed unanimously.

Council went back into Executive Session at 8:46 for the purpose of potential litigation for 30 minutes. Executive Session was extended until 9:20 p.m. with no action taken.

- A. Litigation – two potential real-estate litigation items per RCW 42.30.110 (1)(i)
- B. Personnel
- C. Real Estate

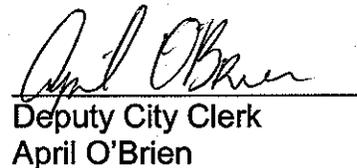
Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:30 p.m.

Approved this 8th day of November, 2010.



Mayor
Jon Nehring



Deputy City Clerk
April O'Brien