

Marysville City Council Meeting
7:00 p.m.

City Hall

March 26, 2007

Call to Order
Invocation
Pledge of Allegiance
Roll Call
Committee Reports
Presentations

- A. Marysville Pilchuck High School Gateway Sign Presentation.
- B. Employee Service Awards.
- C. Employee of the Month Award.
- D. Proclamation: American Diabetes Alert Day.

Audience Participation

Approval of Minutes (*Written Comment Only Accepted from Audience.*)

- 2. Approval of March 12, 2007 City Council Meeting Minutes. *
- 3. Approval of March 19, 2007 City Council Work Session Minutes. *

Consent

- 4. Approval of March 14, 2007 Claims in the Amount of \$223,928.18; Paid by Check No. 37624 through 37795. *
- 5. Approval of March 20, 2007 Payroll in the Amount of \$629,500.12; Paid by Check No. 17614 through 17677. *
- 7. Approval of Renewal of Liquor Licenses: Kuhnle's Tavern, 204 State Avenue; Maxi's Restaurant, 9611 Smokey Point Boulevard, Suite C; 4th Street Market & Deli, 1212 4th Street; 7-Eleven Store #2306-32834A, 3609 88th Street NE; 7-Eleven Store #29536, 10031A Shoultes Road; LaHacienda #4, 9922 State Avenue; Smoke Plus, 9206 State Avenue #C; and Shell Foodmart #126, 1209 4th Street.
- 8. Approval of Fireworks 2007 Stand Permits for Marysville Kiwanis (6 stands); Mountain View Assembly of God (1 stand); and Turning Point Church (1 stand).
- 9. Approval of Final Plat for Serenade Subject to Applicant Meeting All Conditions of Plat Approval Prior to April 5, 2007 Recording Deadline; PA 0006019.
- 10. Approval of Final Plat for Kenley PRD; PA 05005.
- 11. Authorize Mayor to Sign Professional Services Agreement with MWH Americas, Inc. in the Amount of \$25,870 for Stillaguamish Water Treatment Plant Improvements Tracer Study. *

****These items have been added or revised from the materials previously distributed in the packets for the March 19, 2007 Work Session.***

Marysville City Council Meeting
7:00 p.m.

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Review Bids

12. Water Meters & Meter Transmitter Units Connection Services.
13. Mill Site Demolition Project at 60 State Avenue.
14. Delta Avenue Sewer Replacement Project.

Public Hearings

Current Business

New Business

15. EG/I-NET Fee. *

Legal

16. Recovery Contract for Water; Nathan Kelley; Hidden Quilceda Estates.
17. Recovery Contract for Sewer; Nathan Kelley; Hidden Quilceda Estates.

Ordinance and Resolutions

20. A Resolution of the City of Marysville, Washington Establishing Parks & Recreation Department Fees Schedules. *

Mayor's Business

Staff Business

Call on Councilmembers

Information Items

Adjourn

Executive Session

- A. Litigation
- B. Personnel
- C. Real Estate

Adjourn

Special Accommodations: The City of Marysville strives to provide accessible meetings for people with disabilities. Please contact Kristie Guy, Human Resources Manager, at (360) 363-8000 or 1-800-833-6384 (Voice Relay), 1-800-833-6388 (TDD Relay) two days prior to the meeting date if any special accommodations are needed for this meeting.

****These items have been added or revised from the materials previously distributed in the packets for the March 19, 2007 Work Session.***

CALENDAR OF EVENTS

1. City Council Work Sessions, 1st and 3rd Mondays, 7:00 p.m., City Hall.
2. City Council Meetings, 2nd and 4th Mondays, 7:00 p.m., City Hall.
3. Library Board Meeting, April 12, 2007, 4:00 p.m., Marysville Library.
4. Planning Commission, March 27, 2007, 7:00 p.m., City Hall,
5. Marysville Fire Board, April 18, 2007, 7:00 p.m., Fire Station No. 62.
6. Marysville Parks & Recreation Advisory Board, April 11, 2007;
7:00 p.m., Comeford Park.
7. Marysville Hearing Examiner; Thursday, April 12, 2007; 7:00 p.m. City
Hall.
8. Marysville Cable TV Advisory Committee, Wednesday, April 11, 2007,
3:15 p.m., City Hall.
9. Civil Service Commission Meeting, Wednesday, April 18, 2007,
9:00 a.m., City Hall.

March 12, 2007

Marysville City Council
7:00 p.m.

City Hall

Call to Order/Invocation/Pledge of Allegiance/Roll Call	7:00 P.M.
Approval of Minutes	
Approve February 26, 2007 City Council Meeting Minutes.	Approved
Approve March 5, 2007 City Council Work Session Minutes.	Approved
Consent Agenda	
Approve February 28, 2007 Claims in the Amount of \$429,417.03; Paid by Check No. 37317 through 37480.	Approved
Approve March 5, 2007 Payroll in the Amount of \$986,670.72; Paid by Check No. 17542 through 17613.	Approved
Approve March 7, 2007 Claims in the Amount of \$1,319,062.78; Paid by Check No. 37481 through 37623 with Check No. 37193 Void.	Approved
Approve New Liquor Licenses: Smokes to Go, 1309 State Avenue; Mae Phim Marysville Thai Restaurant, 1212 #E State Avenue; and 7-Eleven, 1114 State Avenue.	Approved
Approve Renewal of Liquor Licenses: Big K-Mark #7253, 9623 State Avenue; Harvest Harden, 1508 -2nd Street; 7-Eleven #2306-18861E, 1114 State Avenue; Acapulco Mexican Restaurant, 9611 State Avenue, Suite A; and First Stop Food Mart, 70 State Avenue, Suite B.	Approved
Authorize Mayor to Sign Interlocal Governmental Agreement Between the City of Everett and Snohomish County and Cities Located within Snohomish, King, and Skagit Counties for In-Service Training.	Approved
Approve the Purchase and Installation of Dump Body for New Dump Truck Cab & Chassis.	Approved
Authorize Mayor to Sign Fiber Optic Lease Agreement with Black Rock Cable, Inc. for Data Connection to County's Network and to Washington State's Inter-Governmental Network.	Approved
Approve Renewal of Liquor Licenses: Albertson's No. 412, 11401 State Ave.; Albertson's No. 471, 301 Marysville Mall; Fanny's Restaurant, 505 Cedar Ave. #A1; State Street Food Mart, 1034 State Ave.; 88th Street Shell Food-Mart & Car Wash, 3506 88th Street NE; and Vi and Glynn's Pub, 10321 State Ave.	Approved
Review Bids	
Public Hearings	
Current Business	
New Business	
Approve Professional Services Agreement with Perteet Engineering, Inc. to Update Traffic Impact Study.	Continued to Work Session
Legal	
Ordinances and Resolutions	
Adopt an Ordinance of the City of Marysville, Washington Amending Marysville Municipal Code Subsections 2.51.040(1) and (2) Relating to the Duties of the Salary Commission.	Approved Ord. 2690
Adopt a Resolution of the City of Marysville Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.	Approved Res. No. 2198

March 12, 2007

Marysville City Council
7:00 p.m.

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Adopt a Resolution of the City of Marysville Authorizing a \$1,170,876.03 Interfund Loan from the Water Works Utility Fund 401 to the Street Construction Fund 305, and Providing for Payment and a Formula for Payment of Interest.	Approved Res. No. 2199
Adopt a Resolution Concerning the City of Marysville's Commitment to the Development and Construction of an Independent Stand Alone Four Year Polytechnic University in Snohomish County.	Approved Res. No. 2200
Information Items	
Mayor's Business	
Staff Business	
Call on Councilmembers	
Adjournment	8:02 P.M.
Executive Session	8:10 P.M.
Pending Litigation – one item, no action	
Real Estate – one item, no action	
Adjournment	8:40 P.M.

MARYSVILLE CITY COUNCIL MEETING

March 12, 2007

7:00 p.m.

City Hall

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Pro Tem Nehring called the March 12, 2007 meeting of the Marysville City Council to order at 7:00 p.m. The invocation was given by Pastor Bill Walles of the Bethlehem Lutheran Church. Mayor Pro Tem Nehring led those present in the Pledge of Allegiance.

ROLL CALL

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

Council: Mayor Pro Tem Jon Nehring, Lee Phillips, Carmen Rasmussen, Jeff Seibert, John Soriano, and Jeff Vaughan

Staff: Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Richard Smith, Chief of Police; Jim Ballew, Parks and Recreation Director; and Laurie Hugdahl, Recording Secretary.

It was noted that Mayor Kendall and Councilmember Donna Wright were in Washington, DC for the National League of Cities.

Motion made by Councilmember Vaughan, seconded by Councilmember Phillips, to excuse the absence of Councilmember Wright. **Motion** passed unanimously (6-0).

COMMITTEE REPORTS

None.

PRESENTATIONS

None.

AUDIENCE PARTICIPATION

None.

APPROVAL OF MINUTES

1. Approval of February 26, 2007 City Council Meeting Minutes.

Councilmember Rasmussen noted the following spelling correction on page 1 of 8. under Committee Reports: *Concert series will be funded by Suntex **Centex** Homes.*

Councilmember Seibert referred to page 2 of 8, under his comments. 7th bullet should be: *Improving diversion **of recycling.***

The last bulleted sentence should read: *Southwest Solid Waste Transfer Station construction **on enclosing the facility** to begin soon.*

Councilmember Phillips referred to the top of page 3 under item 1. Change **PEG** to **EG**.

Motion made to approve the February 26 City Council Meeting minutes as corrected. **Motion** passed unanimously (6-0).

2. Approval of March 5, 2007 City Council Work Session Minutes.

Councilmember Phillips referred to page 4 of 6, 2nd paragraph, 1st sentence should be replaced with: *Councilmember Phillips stated that he is not comfortable with the language of the section addressing the effective date of changes because ~~it seems to assume a pay raise each year.~~ **the Council would have to assume a pay raise each year and budget accordingly.***

He then noted that in the third paragraph, the last sentence should be replaced with the following: *Councilmember Phillips said he would be in favor **of a COLA** for the mayor **if the Salary Commission wanted to do something along those lines for the mayor.**, ~~but not for the Council.~~ **He believed that this could be done for a stated period of time to avoid the problem of the raise being a year behind. He then stated that while he would support this for the mayor, he personally would not be in favor of a COLA for the councilmembers.***

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

CONSENT AGENDA

Councilmember Vaughan requested the removal of Consent Agenda Item 3.

Motion made by Councilmember Soriano, seconded by Councilmember Rasmussen to approve the following Consent Agenda Items # 4-6, 8-10, and 12:

4. **Approval of March 5, 2007 Payroll in the Amount of \$986,670.72; Paid by Check No. 17542 through 17613.**
5. **Approval of March 7, 2007 Claims in the Amount of \$1,319,062.78; Paid by Check No. 37481 through 37623 with Check No. 37193 Void.**
6. **Approval of New Liquor Licenses: Smokes to Go, 1309 State Avenue; Mae Phim Marysville Thai Restaurant, 1212 #E State Avenue; and 7-Eleven, 1114 State Avenue.**
8. **Approval of Renewal of Liquor Licenses: Big K-Mark #7253, 9623 State Avenue; Harvest Harden, 1508 -2nd Street; 7-Eleven #2306-18861E, 1114 State Avenue; Acapulco Mexican Restaurant, 9611 State Avenue, Suite A; and First Stop Food Mart, 70 State Avenue, Suite B.**
9. **Authorize Mayor to Sign Interlocal Governmental Agreement Between the City of Everett and Snohomish County and Cities Located within Snohomish, King, and Skagit Counties for In-Service Training.**
10. **Approval of the Purchase and Installation of Dump Body for New Dump Truck Cab & Chassis.**
12. **Authorize Mayor to Sign Fiber Optic Lease Agreement with Black Rock Cable, Inc. for Data Connection to County's Network and to Washington State's Inter-Governmental Network.**

Motion passed unanimously (6-0).

3. **Approval of February 28, 2007 Claims in the Amount of \$429,417.03; Paid by Check No. 37317 through 37480.**

Councilmember Vaughan referred to the purchase of sunglasses from Sound Harley Davidson and asked about the policy for providing personal protective equipment. Chief Administrative Officer Swenson explained that this is determined by the contract language for the particular group. She indicated that she would check on this specific item.

Motion made by Councilmember Vaughan, seconded by Councilmember Soriano to approve Consent Agenda Item 3. **Motion** passed unanimously (6-0).

It was noted that item 7 from the Work Session Agenda had not made it onto the Council Meeting Agenda. After discussion with the city attorney, the council was advised that they could take action on this if they desired.

Motion made by Councilmember Phillips, seconded by Councilmember Seibert, to approve Consent Agenda Item 7: Approval of Renewal of Liquor Licenses: Albertson's No. 412, 11401 State Ave.; Albertson's No. 471, 301 Marysville Mall; Fanny's Restaurant, 505 Cedar Ave. #A1; State Street Food Mart, 1034 State Ave.; 88th Street Shell Food-Mart & Car Wash, 3506 88th Street NE; and Vi and Glynn's Pub, 10321 State Ave. **Motion** passed unanimously (6-0).

REVIEW BIDS

None.

PUBLIC HEARING

None.

CURRENT BUSINESS

None.

NEW BUSINESS

11. Professional Services Agreement with Perteet Engineering, Inc. to Update Traffic Impact Study.

Since Public Works Director Roberts was out ill, this item was rescheduled for action at the next work session.

LEGAL

None.

ORDINANCES AND RESOLUTIONS

15. An Ordinance of the City of Marysville, Washington Amending Marysville Municipal Code Subsections 2.51.040(1) and (2) Relating to the Duties of the Salary Commission.

Councilmember Phillips reiterated that he does not feel comfortable with the fact that there would have to be money sitting in the budget for Council to be able to allow this to take effect immediately. He would rather see them meet and plan for down the road.

Councilmember Seibert asked if the Salary Commission would have the flexibility of postponing a pay increase for a year if they felt there was not enough money in the

budget. City Attorney Weed said they would have the flexibility of choosing the effective date as long as there were funds available.

Councilmember Rasmussen suggested changing the language from “shall” to “may” in the first paragraph. Mr. Weed indicated that this would be acceptable.

Motion made by Councilmember Seibert, seconded by Councilmember Soriano, to Adopt Ordinance No. 2690 as presented. Councilmember Rasmussen offered a friendly amendment to change “shall” to “may” in the first paragraph. Councilmember Seibert chose not to accept that amendment. **Motion** passed (4-2) with Councilmember Phillips and Rasmussen voting against.

13. A Resolution of the City of Marysville Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.

Motion made by Councilmember Vaughan, seconded by Councilmember Rasmussen, to adopt Resolution No. 2198. **Motion** passed unanimously (6-0).

14. A Resolution of the City of Marysville Authorizing a \$1,170,876.03 Interfund Loan from the Water Works Utility Fund 401 to the Street Construction Fund 305, and Providing for Payment and a Formula for Payment of Interest.

Motion made by Councilmember Rasmussen, seconded by Councilmember Soriano, to adopt Resolution No. 2199. **Motion** passed unanimously (6-0).

16. A Resolution Concerning the City of Marysville’s Commitment to the Development and Construction of an Independent Stand Alone Four Year Polytechnic University in Snohomish County.

Motion made by Councilmember Soriano, seconded by Councilmember Rasmussen, to adopt Resolution No. 2200. **Motion** passed unanimously (6-0).

MAYOR’S BUSINESS

Development Services Breakfast is to be held on March 16 at Cedarcrest Restaurant from 7 to 8:30 a.m. Interested parties should RSVP to Gloria Hirashima or Belinda Beardsley.

STAFF BUSINESS

Jim Ballew reported the Boy Scouts returned to work with the chips from the Christmas trees at the REI project site.

The Everett Explosion came to town over the weekend. There was a misunderstanding about kids wearing their jerseys to the game and they were denied entrance if they were wearing their shirt. As compensation, the team has offered the Parks and Recreation Department 250 tickets to their first real game.

Gloria Hirashima gave updates on the following:

- Smokey Point Plan for the newly annexed area is underway. They have met with the major property owners and will be hosting a general open house once a preliminary draft is prepared. Staff has also scheduled meetings with some of the state and regional agencies to discuss environmental regulations for that area.
- Whiskey Ridge Plan is continuing. Staff is currently updating the traffic impact fee information as directed by Council. There have also been ongoing discussions about road alignments in that area with interested parties.
- 88th Street Master Plan – Draft Plan should be available in approximately three months.

Grant discussed a bill he is watching which relates to clarifying the authority for cities to contract for court services. He welcomed Chief Smith.

Mary Swenson:

- She reported that she, the Mayor and the directors attended a retreat last week. Highlights of topics discussed included the salary survey information, financial projects that are coming forward and funding options for those.
- She discussed how her family has been enjoying trying out the new restaurants in town. Last weekend they went to Bob's Burger and Brew. She was pleased to report that it was very crowded with lots of youth there.
- She had two items for Executive Session – one real estate item and one pending litigation item with no action needed. Expected length of Executive Session was ten minutes.
- She pointed out the cover photo and positive article about Mayor Kendall on the cover of the *Snohomish County Business Journal*.

Chief Smith commented on the excellent collaboration among staff during the retreat. He thanked everyone for their endorsement and for making him feel welcome so quickly. He is looking forward to the future with his department and with the City.

CALL ON COUNCILMEMBERS

Carmen Rasmussen:

- She discussed plans initiated by a middle school student who has a vision for creating a Cinco de Mayo/Hispanic cultural community event. The idea was discussed at a recent meeting at the middle school and several groups have stepped forward to make this a reality. Councilmember Rasmussen asked if

Council would be interested in partnering with them in this event.

Councilmember Seibert suggested putting this on an agenda in order to get input from staff. Parks and Recreation Director Ballew said that they have already been working with Mr. Strickland on music and have offered the use of the PA system.

Councilmember Vaughan said he would support efforts to reach out to diverse communities within the city.

Councilmember Phillips said he would like to see this come to the Council on the agenda, possibly in the form of a resolution. He expressed support for the idea.

Councilmember Soriano concurred.

- Councilmember Rasmussen asked about the Lakewood Open House on the schedule for tomorrow night. Jim Ballew said it was the open house for the school district.
- She spoke with Mrs. Short, a citizen, who was very concerned about the Whiskey Ridge road plans' impact on her property. She was concerned about whether or not the fire station would be completed prior to development and wondered whether or not the fire department has been involved with the plans for the intersection at 67th and 44th. Gloria Hirashima said she had met with Mr. and Mrs. Short and felt that some of their concerns had been addressed. She added that the fire district has very been involved and is aware of the improvements. She noted that they are aware that the improvements will be several years down the road and they do not have an issue with safety of that intersection.

Lee Phillips commended the high quality of service and professionalism of off-duty Marysville police officers Sparr and Elton who were utilized at the Fred Meyer in Everett to address issues with youth. He noted that the management at Fred Meyer had been very impressed.

Councilmember Soriano asked where the Lakewood Open House would be. Director Ballew said it would be held at the middle school.

Jeff Seibert:

- Asked Gloria Hirashima about the development occurring at 80th and Cedar. He referred to the ordinance that does not allow anyone to cut up a street for five years after paving and asked about enforcement of that. Director Hirashima indicated she would look into it.
- Councilmember Seibert commented that traffic at Red Robin and Costco was great when he was there over the weekend.
- He commented on the traffic from State Street to the Freeway on 88th and suggested at the very least a right-turn lane there to ease some of the congestion.

- He requested a list of places where rolled curbs have been used. Ms. Hirashima indicated that that had been emailed out. She will make sure it gets mailed to Councilmember Seibert.

Jeff Vaughan:

- He addressed concerns about development occurring in the Pinewood Elementary area, especially bulldozers and heavy equipment in the area and also terrible parking problems. Ms. Swenson noted that she had met recently with John Bingham from the school district and had discussed this with him. Staff will be keeping an eye on some unique circumstances there.
- Councilmember Vaughan also wondered how development there might impact the 51st Street connection.
- He wondered why some of the “buttons” are coming off the streets. Councilmember Seibert thought that it was probably from the snow plows.

INFORMATION ITEMS

None.

ADJOURNMENT

Mayor Pro Tem Nehring recessed to Executive Session at 8:02 p.m., with Executive Session scheduled to begin at 8:10 p.m. and last for ten minutes.

EXECUTIVE SESSION

Council met in Executive Session at 8:10 p.m. to discuss potential and pending litigation and real estate.

ADJOURNMENT

Council reconvened into Regular Session taking no further action, and Mayor Pro Tem Nehring adjourned the meeting at 8:40 p.m.

Approved this _____ day of _____, 2007.

Mayor
Dennis Kendall

Deputy City Clerk
Lillie Lein

Recording Secretary
Laurie Hugdahl

MARYSVILLE CITY COUNCIL WORK SESSION

March 19, 2007

7:00 p.m.

City Hall

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Kendall called the March 19, 2007 Work Session of the Marysville City Council to order at 7:00 p.m. There was no invocation. Mayor Kendall led those present in the Pledge of Allegiance.

ROLL CALL

Finance Director Sandy Langdon gave the roll call. The following staff and councilmembers were in attendance.

Council: Mayor Pro Tem Jon Nehring, Lee Phillips, Carmen Rasmussen, Jeff Seibert, John Soriano, Jeff Vaughan, and Donna Wright,

Staff: Grant Weed, City Attorney; Sandy Langdon, Finance Director; Paul Roberts, Public Works Director; Gloria Hirashima, Community Development Director; Rick Smith, Chief of Police; Doug Buell, Community Information Officer; and Laurie Hugdahl, Recording Secretary.

COMMITTEE REPORTS

None.

PRESENTATIONS

None.

Mayor Kendall noted that two Action Items would be added to the agenda for tonight. Also, under Current Business, an item regarding greens fees was added.

ACTION ITEMS

1. **Professional Services Agreement with Perteet Engineering for Review and Comments on Traffic Mitigation Fee Calculation for Comprehensive Transportation Plan Update.**

Public Works Director Paul Roberts explained that Perteet would be studying traffic mitigation fees regarding the update for 2007.

Councilmember Carmen Rasmussen referred to the last sentence in the first paragraph of Exhibit A. She suggested adding revising to say: "However, the City wishes to have an immediate update of the Traffic Impact fee schedule to **potentially** revise the Impact Fee Schedule." Paul Roberts indicated that that was a possibility, but noted that the consultant would only be making a recommendation; it is up to the Council to adopt any new fees. City Attorney Grant Weed concurred.

Motion made by Councilmember Seibert, seconded by Councilmember Wright, to authorize the Mayor to sign the Professional Services Agreement in the amount of \$5,000.00 with Pertet Engineering, Inc. **Motion** passed unanimously (7-0).

An Ordinance of the City of Marysville, Washington, Establishing a Moratorium on the Filing and Receipt of Applications within the Smokey Point Subarea which include the 20% Residential Component as Referenced in Section III of Appendix "A" to Ordinance No. 2487. Providing for Severability, Declaring an Emergency, and Establishing an Effective Date.

Community Development Director Hirashima explained that this area was adopted back in 2003. Only one master plan application has been submitted and it was not what the City was hoping to receive. This Ordinance would prevent new vesting of any new applications from occurring until the Comprehensive Plan docket revision is complete and would go into effect immediately.

Grant Weed commented that there would be a need to hold a public hearing within 60 days. (He later clarified that this would need to be held by Council) The intent is to prohibit only those master plans that want to utilize the 20% residential mix.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to approve Ordinance 2691. **Motion** passed unanimously (7-0).

Amendment to the Resolution Concerning Development of a Polytechnic University.

Mayor Kendall recommended that Council change the wording on the Resolution to indicate that Council remains neutral on whether the university is a free-standing university or affiliated with another university. This would repeal the previously approved Resolution No. 2200.

Councilmember Phillips emphasized his desire to see a college here.

Motion made by Councilmember Phillips, seconded by Councilmember Rasmussen, to approve Resolution No. 2201. **Motion** passed unanimously (7-0).

DISCUSSION ITEMS

None.

APPROVAL OF MINUTES

2. **Approval of March 12, 2007 City Council Meeting Minutes.**
3. **Approval of March 19, 2007 City Council Work Session Minutes.**

CONSENT AGENDA

4. **Approval of February 14, 2007 Claims.**
5. **Approval of March 20, 2007 Payroll.**
6. **Approval of March 21, 2007 Claims.**
7. **Approval of Renewal of Liquor Licenses: Kuhnle's Tavern, 204 State Avenue; Maxi's Restaurant, 9611 Smokey Point Boulevard, Suite C; 4th Street Market & Deli, 1212 4th Street; 7-Eleven Store #2306-32834A, 3609 88th Street NE; 7-Eleven Store #29536, 10031A Shoultes Road; LaHacienda #4, 9922 State Avenue; Smoke Plus, 9206 State Avenue #C; and Shell Foodmart #126, 1209 4th Street.**
8. **Approval of Fireworks 2007 Stand Permits for: Marysville Kiwanis (6 stands); Mountain View Assembly of God (1 stand); and Turning Point Church (1 stand).**
9. **Approval of Final Plat for Serenade Subject to Applicant Meeting All Conditions of Plat Approval Prior to April 5, 2007 Recording Deadline; PA 0006019.**

Gloria Hirashima explained that this is nearing its expiration date and they are anxiously looking forward to completion of all items by April 5. She will have an update at the next meeting.

Councilmember Seibert asked how close they are to being done. Director Hirashima reiterated that they intend to be done by April 5. Everyone is hopeful that they will complete it.

Councilmember Rasmussen commented on the proximity of the detention pond to the existing home. She inquired what the setback is. Councilmember Seibert noted that according to the documents it was 10-feet. Director Hirashima explained that because it was an existing home it was closer than usual.

10. Approval of Final Plat for Kenley PRD; PA 05005.

Gloria Hirashima explained that this is all signed off.

11. Authorize Mayor to Sign Professional Services Agreement with MWH Americas, Inc. in the Amount of \$25,870 for Stillaguamish Water Treatment Plant Improvements Tracer Study.

Paul Roberts explained that the Department of Health has given approval for operations with the condition that they are to conduct a tracer study.

Councilmember Seibert asked why the tracer study was not done initially. Director Roberts explained that he thinks the reason this is being required now is that it is a new kind of facility and the Department of Health just wants extra confirmation. He noted that this had always been presumed to be a source under the influence of groundwater. Councilmember Seibert said this is typically a part of the design process. Director Roberts replied that it was done as part of the design process, but DOH has now added this requirement. He thought that they were just exercising an "abundance of caution" in the way that they approve plans, but said he would confirm that.

Councilmember Seibert asked about the Time of Performance since this was not included in the agreement. Director Roberts said it would be early May unless some aspect of the list needs to be redone.

City Attorney Grant Weed commented that the consultant had initially used their own form of the agreement. This was subsequently replaced with the city's version. Apparently the two versions had gotten intermingled in the packet, but this would be corrected for next week.

REVIEW BIDS

12. Water Meters & Meter Transmitter Units Connection Services.

Public Works Director Roberts stated that Neptune is the only responsive bidder

13. Mill Site Demolition Project at 60 State Avenue.

Staff noted that the first bidder, TW Enterprises did not have a sealed bid. Staff is recommending award of the bid to 3 Kings Environmental.

14. Delta Avenue Sewer Replacement Project.

Public Works Director Roberts was pleased to report that the engineering estimate was higher than the bid amount. Staff recommended that the bid be awarded to Marshbank Construction.

Councilmember Soriano wondered why Marshbank was significantly lower on the dewatering estimate. Mr. Roberts was not sure, but noted that dewatering is standard operating procedure. He stated that they had nailed the estimate for that portion. Mayor Kendall noted that they have a history of work in Marysville and have familiarity with the area. Director Roberts indicated he would check with his staff.

PUBLIC HEARING

None.

CURRENT BUSINESS

Greens Fees.

Mayor Kendall explained that the Park Board is recommending that the Three-Month Seasonal Passes Category be expanded to include a Super Senior Rate (80 and older).

Councilmember Nehring thought this was a good idea. He asked about some of the other rates on the handout. Mayor Kendall explained that those rates represented a range.

NEW BUSINESS

15. PEG/I-NET Fee.

Councilmember Seibert clarified that this is regarding the EG/I-Net fee, not PEG.

Doug Buell delivered a PowerPoint presentation on the EG/I-Net fee. Right now the fee is at \$1. This can be changed by Council decision at any time. He compared this with what neighboring jurisdictions are doing.

He reviewed proposed cable capital improvements:

- The key goal for Channels 21 and 26 are to acquire digital video-audio and studio equipment.
- Channel 26 seeks camcorders, teleprompters, etc. to outfit the existing studio which would be available for City use. (~\$55,464)
- Channel 21 seeks video equipment, media, data storage (~\$6,561)

Other potential improvements:

- "Webstreaming: at a cost of ~\$8,000 for software and Web server upgrade.

- They would need to acquire additional bandwidth at ~\$240/month

Discussion:

Councilmember Vaughan noted that there are other companies that could provide the service for videos.

Councilmember Rasmussen asked if the estimated costs allow for expansion needs. Mr. Buell explained that the I-Net maintenance agreement is \$6,700/ year. The additional \$23,000 would be set aside for replacement needs and future expansion.

Councilmember Rasmussen commented that many senior citizens do not have internet access at the level that would allow webstreaming.

Councilmember Seibert thought that the prior equipment purchases were supposed to allow the City to do webstreaming. Mr. Buell explained that it is compatible and can be used to create the content, but they do not have anything to create the webstreaming portion to get it on the internet. It can be converted, but can't be sent out without the new software and web server upgrade.

Councilmember Seibert referred to the school request for studio equipment. Mr. Buell explained that the City would have access to this equipment; the school is a designated access provider.

Councilmember Seibert asked how much money would be needed annually to have a cable channel. Mr. Buell said it would depend on how much we upgrade and how much technology changes. Councilmember Phillips said he had hoped to have a one-year and a five-year plan, but they were not able to get that together. They plan to come back at budget time with a capital plan.

Councilmember Seibert said he wanted some clear numbers. Mr. Buell indicated that they would try to get that for next week. He commented that it would be difficult because technology changes so quickly.

Councilmember Seibert asked how the high definition technology would affect all the equipment purchased before 2009. Mr. Buell said that some would be usable, but they would not know the specifics until that time. He noted that some people are skeptical that it will really happen.

Councilmember Seibert asked, if we don't provide \$62,000 for upgrades and equipment would they still be able to do it? Mr. Buell said they could, but that it would be a lower quality and more time consuming for him.

Councilmember Seibert stated that he believes the I-Net should be separated from cable. Some portion should come from the General Fund, not just from cable customers.

Councilmember Donna Wright asked which option the committee is recommending. Mayor Kendall said they are not specifying an option, but are recommending retaining the dollar.

LEGAL

16. Recovery Contract for Water; Nathan Kelley; Hidden Quilceda Estates.

17. Recovery Contract for Sewer, Nathan Kelley; Hidden Quilceda Estates.

Gloria Hirashima indicated she would check to see why one of the units was not listed on the Recovery Contract for Water.

ORDINANCES AND RESOLUTIONS

None.

MAYOR'S BUSINESS

Mayor Kendall said he would be out of town on Wednesday. Mary Swenson is also out of town.

STAFF BUSINESS

Gloria Hirashima reported that the Developers Breakfast last Friday went well. There were approximately 55 people in attendance. Staff gave an overview of the codes and regulatory changes.

Doug Buell noted that there would be a Healthy Communities Meeting at the School District Service Center from 5:30 p.m. to 8:30 p.m.

Paul Roberts discussed a scheduling conflict with the April 6 Public Works meeting. There was consensus to move the meeting to Friday, April 13.

He noted that he is attending a legal education seminar on surface water. There have been good discussions and information.

Sandy Langdon noted that Mayor Kendall and Lee Phillips would both be unable to attend the Finance Committee meeting on Wednesday. Since there was a very light agenda, there was consensus to cancel this month's meeting. She stated that the streamlined sales tax bill passed.

Chief Smith referred to Councilmember Vaughan's inquiry about the "sunglasses" for the police department. He explained that these are actually safety goggles for the $\frac{3}{4}$ helmets; they are also included in the contract.

Grant Weed clarified that Council is required to hold a hearing within 60 days of enacting the moratorium.

CALL ON COUNCILMEMBERS

Lee Phillips thanked Doug Buell for all his work on the EG/I-Net issue. He expressed concern about the change in speed limit on State Avenue at 136th going southbound and the fact that the speed limit sign is not visible.

Carmen Rasmussen commended staff's job on the Developers Breakfast last week. She noted that when it came time for questions and comments there were none. She felt this was a testimony to the excellent communication done by staff. She liked the information about low impact development and would like to get one of the handouts. She said they are having a second meeting regarding the Cinco de Mayo festival tomorrow.

Jon Nehring commented on an email from Ed Mohs. Mayor Kendall said that had been turned over to Chief Smith who will update Council when he has more information.

Jeff Seibert asked about the cutting of the road at 80th and Cedar. Paul Roberts said that Kevin Nielsen had looked at it and it looks like they are in violation. Gloria Hirashima said she would look into it.

Jeff Seibert said he would be bringing a proposal regarding modification of right-of-way permits.

He complimented Rick Herzog for his efforts to assist him with right-of-way issues. He noted that Aaron Reardon had spoken at Cities and Towns about not supporting Sound Transit's plan due to funding issues.

He asked Grant Weed to confirm what the franchise funds could be used for.

He told Councilmember Rasmussen that AWC had a good presentation last year or the year before on green building. He thought this CD might still be available.

Mayor Kendall noted that Snohomish County PUD is also working on a process for this. Paul Roberts added that there are three other sources for learning more:

1. US Green Build Council (LEED Certification)
2. Seattle/King County Master Builders Build Green Project
3. Cascade Land Conservancy

John Soriano commented that County Executive Aaron Reardon had acknowledged the city's support of the polytechnic university. He noted that Tara Mizell did a great job representing the City and the Parks programs at last week's Lakewood Open House.

Donna Wright complimented staff on the Developers Breakfast. She reported that the National League of Cities was very interesting. She reviewed some of the highlights from workshops she attended.

Mayor Kendall said he was also at the conference and spent considerable time with legislators and their staffs in discussion regarding the City's needs, especially with regard to transportation. He also attended the Public Transit Associations Conference, which had some good issues.

INFORMATION ITEMS

18. **Marysville Library Board Minutes; February 8, 2007.**

19. **Marysville Park Board Minutes; February 14, 2007.**

ADJOURNMENT

Seeing no further business, Mayor Kendall adjourned the meeting at 8:45 p.m.

Approved this _____ day of _____, 2007.

Mayor
Dennis Kendall

Deputy City Clerk
Lillie Lein

Recording Secretary
Laurie Hugdahl

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: Claims	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Claims Listings	APPROVED BY: 	
	MAYOR: 	CAO: 
BUDGET CODE:	AMOUNT:	

Please see attached.

RECOMMENDED ACTION: The Finance and Executive Departments recommend City Council approve the March 14, 2007 Period 3 claims in the amount of \$223,928.18 paid by Check No.'s 37624 through 37795.
COUNCIL ACTION:

DATE: 3/13/2007
TIME: 10:27:59AM

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37624	A & M ELEVATOR INC.	ELEVATOR MAINTENANCE	00100010.548000.	130.20
	A & M ELEVATOR INC.	ELEVATOR MAINTENANCE 11/06	00100010.548000.	130.20
	A & M ELEVATOR INC.	ELEVATOR MAINTENANCE	00103530.548000.	119.35
	A & M ELEVATOR INC.	ELEVATOR MAINTENANCE 11/06	00103530.548000.	119.35
37625	ACCURINT	BACKGROUND INVESTIGATIONS 2/07	00103010.541000.	30.00
37626	ACE ACME SEPTIC SERVICE INC	TOILET RENTAL-614 NW LAKEWD RD	40140280.541000.	75.95
37627	ALBERTSONS FOOD CENTER #471	SUPPLIES, MEDS, MILK- JAIL	00103960.531000.	15.00
	ALBERTSONS FOOD CENTER #471		00103960.531000.	22.75
	ALBERTSONS FOOD CENTER #471		00103960.531000.	29.98
	ALBERTSONS FOOD CENTER #471		00103960.531000.	69.30
	ALBERTSONS FOOD CENTER #471		00103960.531000.	72.42
	ALBERTSONS FOOD CENTER #471		00103960.531000.	174.73
	ALBERTSONS FOOD CENTER #471		00103960.531250.	31.58
	ALBERTSONS FOOD CENTER #471		00103960.531250.	33.87
	ALBERTSONS FOOD CENTER #471		00103960.531250.	36.26
	ALBERTSONS FOOD CENTER #471		00103960.531250.	39.84
37628	ALFYS PIZZA	PIZZA -PARKS STAFF-DANCE 2/10	00105120.531050.	40.95
37629	KATHY ALLEN	REFUND DEPOSIT JENNINGS BARN	001.239100.	58.00
37630	ALPHA COURIER SVC	DELIVERY -NAUTILUS ENVIRONMENT	40142480.541000.	89.90
37631	AMERICAN CLEANERS	UNIFORM CLEANING - POLICE	00103121.526000.	59.46
	AMERICAN CLEANERS		00103222.526000.	42.32
	AMERICAN CLEANERS		00103960.526000.	39.06
	AMERICAN CLEANERS		00104190.526000.	21.70
	AMERICAN CLEANERS		00104230.526000.	18.45
37632	AMERICAN TRAINCO	AIR CONDITIONING CLASS- NORSBY	50200050.549000.	890.00
37633	AMSAN SEATTLE	JANITORIAL SUPPLIES- PW SHOP	40143780.531000.	342.16
37634	WA STATE CHAPTER APWA	APWA SPRING CONFERENCE-ROBERT	00100020.549000.	200.00
	WA STATE CHAPTER APWA		40143410.549000.	200.00
37635	ARAMSCO	ESP II COMMUNICATION SYSTEM	001.231700.	-33.83
	ARAMSCO		00103222.531000.	431.83
37636	ASE	ASE RECERTIF TEST FEE-B. SCOTT	50100065.549100.	103.00
37637	ASHOK N KATTI FAMILY TRUST	UB 800585000001 5401 64TH PL N	401.122110.	112.78
37638	WASPC	ELECTRONIC HOME MONITORING-JAN	00103960.551000.	2,567.75
37639	AT&T	PHONE CHARGES ALARM 6596212	40142480.542000.	25.68
37640	JAMES B BALLEW	MEETING MEALS-HEALTHY COMMUN	00105380.549000.	45.95
37641	BANK OF AMERICA	TRAINING REIMBURSEMENT	00103010.531000.	43.33
	BANK OF AMERICA		00103010.543000.	11.50
	BANK OF AMERICA		00103222.543000.	15.00
	BANK OF AMERICA		00103324.531000.	1,094.25
37642	BARRON HEATING AIR CONDITIONING	REPAIR HEAT-MAYOR'S OFFICE	00103530.548000.	308.96
37643	KATRINA L. BARTON	INSTRUCTOR-CALLIGRAPHY CLASS	00105120.541020.	117.60
37644	BAXTER AUTO CENTER	AIR FTG SET-MILL PROPERTY	40143780.531000.	19.73
	BAXTER AUTO CENTER	ELECTRIC TAPE, TIES, TOOLS	501.141100.	43.28
	BAXTER AUTO CENTER	SCREWDRIVERS	501.141100.	52.84
37645	BERG VAULT COMPANY OF WA, INC.	METER LIDS, METER TOP SECTIONS	40140580.531000.	1,202.04
37646	BLUMENTHAL UNIFORMS & EQUIPMENT	SHIRT, SWEATS, SHORTS-ROBBINS	00103222.526000.	145.10
	BLUMENTHAL UNIFORMS & EQUIPMENT	SHIRT, SWEATS, SHORTS- WOOLSEY	00103222.526000.	145.64
	BLUMENTHAL UNIFORMS & EQUIPMENT	SHIRTS, PANTS, ETC.- D. DREYER	00104230.526000.	296.19
37647	BONEBRAKE, MICHAEL	UB 987333000000 7333 38TH ST N	401.122130.	236.72
37648	BONNIE TOURS	HARNESS RACES TRIP-KBSCC 2/03	00105250.531051.	414.00
37649	RAE BOYD, APRN, BC	INMATE MEDICAL SERVICES-2/07	00103960.541000.	1,560.00
37650	BRAINSTORM INC.	OUTLOOK 2007 TRAINING MATERIAL	50300090.531000.	87.55

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37650	BRAINSTORM INC.	OUTLOOK 2007 TRAINING MATERIAL	50300090.549000.	717.95
37651	CARR'S ACE HARDWARE	ELECTRICAL SUPPLIES	00105380.531000.	15.78
	CARR'S ACE HARDWARE	CARWASH, PAD LOCKS, BOOK	00105380.531000.	104.62
	CARR'S ACE HARDWARE	CABLE TIES	40140580.531000.	10.83
	CARR'S ACE HARDWARE	ANCHOR BOLTS	40142080.548000.	5.99
	CARR'S ACE HARDWARE	CLEANING SUPPLIES	40142480.531000.	21.11
	CARR'S ACE HARDWARE	STRAP HINGES, LIQUID GOLD	40142480.531300.	22.18
	CARR'S ACE HARDWARE	250 WATT LAMPS, LAMP SOCKET	40143410.549000.	111.17
	CARR'S ACE HARDWARE	SUPPLIES- MILL PROPERTY	40143780.531000.	4.64
37652	VICKI CARVER	INSTRUCTOR-ADULT DRAWING	00105120.541020.	374.85
37653	CASCADE COFFEE INC	COFFEE, SERVICE - KBCSC	10605250.549000.	81.50
37654	CASCADE RECREATION INC	DOGGIE WASTE BAGS- PARKS	00105380.531000.	446.08
37655	CDW GOVERNMENT INC	REPLACEMENT PRINTER-ENGINEERN	00100020.549000.	395.03
	CDW GOVERNMENT INC	BAR CODE SCANNERS- UB	00143523.535000.	107.00
	CDW GOVERNMENT INC	BAR CODE SCANNERS - UB	00143523.535000.	496.26
	CDW GOVERNMENT INC	AMCIOM GPS NAVIGATION RECEIVER	40145040.553100.	62.78
	CDW GOVERNMENT INC	PANASONIC TOUGHBOOK ADAPTER	40145040.553100.	138.54
	CDW GOVERNMENT INC	REPLACEMENT MOUSE	50300090.535000.	41.13
37656	COLE INFORMATION SERVICES	COLE DIRECTORY	00104190.531000.	288.95
37657	PETER COLLERAN	TRAVEL GCSAA CONFERENCE	42047165.543000.	315.02
	PETER COLLERAN		42047165.549000.	717.41
37658	COMCAST	PRO SHOP TV CABLE	42047267.549000.	5.13
	COMCAST	MONTHLY BROADBAND CHARGE	50300090.531000.	169.95
37659	MERRITT SCOTT CONNER	INSTRUCTOR- GARDENING	00105250.541020.	96.00
37660	COOK PAGING (WA)	PAGER SVC-JENNINGS PK 126101	00105380.542000.	4.60
	COOK PAGING (WA)	PAGER SVC TO 3/31/07-STREETS	10110890.542000.	3.83
	COOK PAGING (WA)		40143410.542000.	3.83
37661	CO-OP SUPPLY	SMALL TOOLS	00105380.535000.	47.14
	CO-OP SUPPLY	2 RAKES, 1 SAW BLADE	00105380.535000.	88.07
	CO-OP SUPPLY	LADDERS, RAKES	00105380.535000.	430.71
	CO-OP SUPPLY	HARDWARE SUPPLIES	00105380.598000.	84.76
37662	WA DEPT OF CORRECTIONS	INMATE MEALS	00103960.531250.	1,182.45
	WA DEPT OF CORRECTIONS		00103960.531250.	1,779.62
37663	COVAD COMMUNICATIONS	INTERNET SERVICES	50300090.531000.	239.95
37664	CREIGHTON ENGINEERING INC	PLAN CHECK SERVICE	00102020.541000.	285.00
	CREIGHTON ENGINEERING INC	PLAN CHEKC SERVICE	00102020.541000.	300.00
37665	WASHINGTON STATE CRIMINAL JUSTICE	FTO ACADEMY REGISTRATION	00103222.549100.	60.00
	WASHINGTON STATE CRIMINAL JUSTICE		00103960.549100.	60.00
37666	CRYSTAL SPRINGS	4 CASES WATER (2/5, 2/20)	40142480.531330.	69.91
37667	DAN MEEKS	CURB,GUTTER, SIDEWALKS-47 AVE	10111561.548000.	7,993.00
37668	SHEILA DAVIS	INSTRUCTOR- ADULT/INFANT CPR	00105120.541020.	120.00
37669	DAY WIRELESS SYSTEMS	ANTENNA COAX/CONNECTO-PSB	00100010.531000.	97.68
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR 679	00103222.548000.	81.46
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR KK3945	00103222.548000.	81.46
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR 4331-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR BB8258-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR CHS08467-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR DS12025-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR DS12112-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR FF10105-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR FF10118-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR FF15573-16	00103222.548000.	86.80

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37669	DAY WIRELESS SYSTEMS	CALIBRATE RADAR FF18157-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR FF9652016	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR KK24599-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR KK24603-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR PL14918-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR PL14920-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR PL20976-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR RR3102-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR TA01711-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR- FF17722-16	00103222.548000.	86.80
	DAY WIRELESS SYSTEMS	CALIBRATE RADAR FF18158-16	00103222.548000.	103.29
	DAY WIRELESS SYSTEMS	REPAIR RADIO 466CDS0354	00103222.548000.	378.37
	DAY WIRELESS SYSTEMS	FCC LICENSING	40143410.541000.M0760	2,500.00
37670	DCI PAINTING & CONSTRUCTION, INC.	PAINT INTERIOR JENNINGS BARN	00105380.541000.	3,013.05
37671	LUANA DEFREITAS	INSTRUCTOR - TAI CHI	00105250.541020.	41.60
37672	DELL MARKETING LP	15 REPLACEMENT PCS	50300090.535000.	18,899.41
37673	DICKS TOWING INC	EVIDENCE IMPOUND	00103222.541000.	43.44
	DICKS TOWING INC		00103222.541000.	43.44
	DICKS TOWING INC		00103222.541000.	86.88
37674	DISPLAY & COSTUME	128 VARIED SIZE TABLE COVERS	00105250.531050.	300.71
37675	DORRANCE, JOAN	UB 521060000003 3728 176TH PL	401.122110.	40.64
37676	STACEY DREYER	LODGING-LAW DOG TRAINING	00103324.531000.	194.02
37677	DUE, BECKY & WAYNE	UB 861070000001 8319 53RD DR N	401.122110.	115.45
37678	E&E LUMBER INC	PAINT/BRUSH- INMATE PHOTO BOAR	00103960.531000.	4.69
	E&E LUMBER INC	TOILET TANK BALL	00105380.531000.	3.79
	E&E LUMBER INC	TOILET LEVER AND FLAPPER	00105380.531000.	7.90
	E&E LUMBER INC	PAINT BRUSHES, TRAY	00105380.531000.	8.07
	E&E LUMBER INC	METAL BRACKET	00105380.531000.	8.13
	E&E LUMBER INC	SAFETY HASP	00105380.531000.	8.22
	E&E LUMBER INC	TABE & BIT	00105380.531000.	19.05
	E&E LUMBER INC	RAGS, WHITE PAINT, KLEAN STRIP	00105380.531000.	23.50
	E&E LUMBER INC	TARP STRAP, TARPS	00105380.531000.	24.53
	E&E LUMBER INC	CAUTION TAPE	00105380.531000.	30.36
	E&E LUMBER INC	JOIST HANGER, LUMBER- BRIDGE	00105380.531000.	32.53
	E&E LUMBER INC	PAINT, BRUSH	00105380.531000.	33.24
	E&E LUMBER INC	ROLLER COVERS, SEED/SPREADER	00105380.531000.	35.67
	E&E LUMBER INC	HINGES	00105380.531000.	39.27
	E&E LUMBER INC	PRIMER, PAINT-SOCCER GOALS	00105380.531000.	63.67
	E&E LUMBER INC	DOWNSPOUTS, PIPE, PAINT	00105380.531000.	85.92
	E&E LUMBER INC	COIL CHAIN AND COVER	00105380.531000.	110.87
	E&E LUMBER INC	LUMBER, CONCRETE	00105380.531000.	138.70
	E&E LUMBER INC	POLE TREE PRUNER	00105380.535000.	62.92
	E&E LUMBER INC	METAL BAR- PW ADMIN BLDG	40143410.531000.	5.74
	E&E LUMBER INC	PLUGS, WRENCHES, WONDER BAR	50200050.531000.	30.54
37679	EAGLE FENCE CONSTRUCTION INC	FENCE REPAIR-MCRAE RD WATERSHI	40140280.548000.	1,302.00
37680	ESRI	ARCVIEW LICENSES-SURF WTR TECH	40145040.531000.	2,601.60
37681	THE DAILY HERALD COMPANY	AD FOR HR ANALYST	00100310.549000.	129.97
	THE DAILY HERALD COMPANY	AD FOR ATHLETIC ASST.	00105120.544000.	189.95
	THE DAILY HERALD COMPANY	AD FOR MAINTENCE WORKER II	40143410.544000.	117.29
	THE DAILY HERALD COMPANY	AD FOR BUSINESS OFFICE SUPRVSR	40143410.544000.	214.30
37682	EVERETT OFFICE FURNITURE	DESK, CHAIR- J. TATUM	00100020.549000.	1,215.77
37683	JAVIER FARIAS-CONTRERAS	REFUND DEPOSIT JENNINGS BARN	001.239100.	58.00

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37684	FEDEX	PACKAGE TO LAB/COR 2/21/07	40140780.531000.	29.23
	FEDEX	PACKAGE SENT TO HEXAGRAM 2/9	40141280.531000.	66.32
37685	JOHN FILORI	WWTP GROUP 1 EXAM	40143410.549050.	72.00
37686	CHRIS FLOYD	INSTRUCTOR-KINDERMUSIK	00105120.541020.	2,550.88
37687	CHRIS BROWN	EQUIP HYDRAUL TRAINING-CARDON	50100065.549100.	475.00
37688	FRED MEYER	3 PR JEANS- K. GESSNER	40143410.526200.	113.89
37689	CRAIG A. FULLERTON	CONSULTING: TRAIL ACQUISITION	00105380.541000.	110.00
37690	GENERAL CHEMICAL CORP	ALUMINUM SULFATE 11.87 TONS	40142480.531320.	3,246.36
37691	GRAINGER INC	PORTABLE HAND PUMPS	40141280.535000.	63.84
37692	GRAYBAR ELECTRIC CO INC	BATTERY BACK UP SYSTEM	30500030.563000.R9701	67.47
	GRAYBAR ELECTRIC CO INC	RIGHT TURN ARROW MODIFY-116TH	30500030.563000.R9701	139.80
	GRAYBAR ELECTRIC CO INC	BATTERY BACKUP -116TH/128TH	30500030.563000.R9701	206.99
	GRAYBAR ELECTRIC CO INC	LEFT TURN ARROW MODIFY-116,128	30500030.563000.R9701	295.44
37693	HALSTROM & ASSOCIATES, INC.	2/07 LOBBYIST RETAINER FEE	40143410.541000.	2,080.00
37694	KEN HANSON	REFUND CLASS REGISTRATION FEE	00110347.376009.	25.00
37695	HASLER, INC	POSTAGE METER LEASE 3/17-4/16	00103010.545000.	219.60
37696	HAWNEY, JESSE & ELIZABETH	UB 821659000002 6519 72ND ST N	401.122110.	208.87
37697	ROSE HAYES	INSTRUCTOR -CLOGGING CLASS	00105250.541020.	42.00
37698	HD FOWLER COMPANY	COUPLINGS	401.141400.	168.91
	HD FOWLER COMPANY	MISC. ELLS,TEE COUPLINGS	401.141400.	204.98
	HD FOWLER COMPANY	POLYMER LIDS, METER GASKETS	401.141400.	855.15
	HD FOWLER COMPANY	RESETTERS, ELLS	401.141400.	1,463.97
	HD FOWLER COMPANY	MATERIALS RETURNED-NOT NEEDED	40142280.548000.	-189.25
	HD FOWLER COMPANY	SAFETY FENCE 4' X 100' ORANGE	40142280.548000.	198.01
	HD FOWLER COMPANY	MISC. FITTINGS	40142280.548000.	584.12
	HD FOWLER COMPANY	BELL JOINT LEAK CLAMP-ROMAC	40142280.548000.	709.62
	HD FOWLER COMPANY	RED RUBBER GASKET	40142480.548000.M0562	4.43
	HD FOWLER COMPANY	WRENCHES,BLUE MARK PAINT,FLAGS	501.141100.	357.71
37699	HD SUPPLY WATERWORKS, LTD	VALVE WRENCHES	40140480.535000.	228.67
37700	HEALTHFORCE OCCMED BILLING DEPT	DOT PHYSICAL EXAM- H. KINNEY	10111230.541000.	54.00
37701	JOHN HENDRICKSON	TRAVEL- LAW DOG TRAINING	00103324.531000.	66.00
	JOHN HENDRICKSON		00103324.531000.	194.02
37702	DEBRA HENRY	REFUND CLASS REGISTRATION FEE	00110347.376009.	50.00
37703	HOME DEPOT CREDIT SVCS	HANDLES AND MALACOIDES	00105380.531000.	17.69
	HOME DEPOT CREDIT SVCS	BLINDS -JENNINGS PARK BARN	00105380.548000.	221.21
37704	IOS CAPITAL	COPIER RENTAL KBSCC	00105250.545000.	41.88
37705	KEN TYACKE	OVERTIME MEALS- SNOW REMOVAL	10111160.543000.	26.06
37706	DENNIS KENDALL	MILEAGE- DEM, SERS MEETINGS	00100110.549000.	58.93
37707	THE KNEBEL COMPANY, INC.	SERVICE POINT COUNT COLLECTION	40143780.598100.	1,530.00
37708	LARRY LARSON	MEALS-AWWA CONFERENCE	40143410.543010.	56.00
37709	LAWRENCE, BRIAN & ELIZABETH	UB 452107000004 13826 52ND AVE	401.122110.	35.97
37710	DEPT OF LICENSING	TITLE/LICENSE-NEW PATROL CARS	50100048.564000.	111.25
37711	LOWES HIW INC	SUPPLIES- GUTTER PROJECT	00105380.531000.	45.52
37712	MAHALA JR, ROY	UB 331491900000 14919 44TH DR	401.122110.	126.47
37713	MAKERS	MARYSVILLE GATEWAY	00102020.541000.	390.00
37714	MARYSVILLE AWARDS	NAMEPLATE W/ENGRAVING-R.SMITH	00103010.531000.	21.16
37715	MARYSVILLE GLOBE	LEGAL NOTICES/ADS	00102020.544000.	31.64
	MARYSVILLE GLOBE		00102020.544000.	39.55
	MARYSVILLE GLOBE		00102020.544000.	39.55
	MARYSVILLE GLOBE		00102020.544000.	39.55
	MARYSVILLE GLOBE		00102020.544000.	43.51
	MARYSVILLE GLOBE		00102020.544000.	51.42

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37715	MARYSVILLE GLOBE	LEGAL NOTICES/ADS	30500030.563000.T0102	205.66
	MARYSVILLE GLOBE	AD FOR GOLF GROUNDSKEEPER	42047061.544000.	68.90
37716	MARYSVILLE PRINTING	BUSINESS CARDS- J. TATUM	00100020.531000.	113.82
	MARYSVILLE PRINTING	BUSINESS CARDS- J. KING	00103222.531000.	48.77
	MARYSVILLE PRINTING	9 X 12 WHITE ENVVELOPES	00103222.531000.	688.98
37717	MCCONNELL & ASSOC	HEARING EXAMINER SERVICE	00102020.541000.	845.05
37718	MCGREGOR HARDWARE DISTRIBUTION	ASSA MORTISE CYLINDERS-WWTP	40142480.531000.	333.59
37719	MCNEILUS TRUCK & MFG	CUROTTO REAR BRACKETS-CC04	50100065.534000.	694.91
	MCNEILUS TRUCK & MFG	CUROTTO CYLINDER-CC04	50100065.534000.	718.83
	MCNEILUS TRUCK & MFG	CUROTTO ARMS, JOYSTICKS-CC04	50100065.534000.	1,384.38
37720	MEMORY4LESS	MEMORY AND HARD DRIVE UPGRADE	50300090.535000.	276.46
37721	MENKE, BRYSON & MEGAN	UB 420760082503 4025 168TH PL	401.122110.	137.31
37722	MOMS CLUB	REFUND DEPOSIT JENNINGS BARN	001.239100.	58.00
37723	NAUTILUS ENVIRONMENTAL, LLC	FEB 2007 BIOASSAY TEST	40142480.541000.	450.00
37724	NELSON PETROLEUM	GREASE TUBES	50100065.531000.	81.70
37725	NEPTUNE TECHNOLOGY GROUP, INC.	T-10 WATER METERS	40140480.531000.	16,030.88
37726	ANTHONY NEWMAN	OVERTIME MEAL-SNOW REMOVAL	10111160.543000.	11.49
37727	NEXXPOST LLC	CONTRACT BASE	00100050.531000.	108.80
	NEXXPOST LLC		00101023.531000.	108.80
	NEXXPOST LLC		00101130.531000.	108.80
	NEXXPOST LLC		00143523.545000.	108.80
37728	NORTH RESOURCE, INC.	L.DUQUE -IT CONSULTING	50300090.541000.	4,200.00
37729	NORTHWEST BIOSOLIDS MANAGEMENT	ASNBMMA MEMBERSHIP RENEW-D. BYDE	40143410.553200.	75.00
37730	NORTHWEST CASCADE INC	PORTABLE TOILET-SKATE PARK	00105380.545000.	103.33
	NORTHWEST CASCADE INC		00105380.545000.	103.33
37731	OFFICE DEPOT	OFFICE SUPPLIES	00100020.531000.	28.49
	OFFICE DEPOT		00100020.531000.	30.96
	OFFICE DEPOT		00102020.531000.	30.96
	OFFICE DEPOT		00103010.531000.	49.74
	OFFICE DEPOT	OFFICE SUPPLIES	00103121.531000.	0.33
	OFFICE DEPOT	OFFICE SUPPLIES	00103121.531000.	100.12
	OFFICE DEPOT	OFFICE SUPPLIES	00103222.531000.	29.11
	OFFICE DEPOT	OFFICE SUPPLIES	00103222.531000.	40.90
	OFFICE DEPOT		00103222.531000.	147.22
	OFFICE DEPOT	OFFICE SUPPLIES	00103960.531000.	13.57
	OFFICE DEPOT		00104190.531000.	4.16
	OFFICE DEPOT	OFFICE SUPPLIES	00104190.531000.	19.33
	OFFICE DEPOT		00104190.531000.	101.42
	OFFICE DEPOT	WHITE MAILING TUBES	00104190.531000.	150.50
	OFFICE DEPOT	OFFICE SUPPLIES-KBSCC	00105250.531000.	390.88
	OFFICE DEPOT	OFFICE SUPPLIES	40143410.531000.	28.49
	OFFICE DEPOT		40143410.531000.	30.96
	OFFICE DEPOT		40143410.531000.	70.07
	OFFICE DEPOT		50100065.531000.	3.16
	OFFICE DEPOT		50100065.531000.	5.17
	OFFICE DEPOT		50200050.531000.	3.16
	OFFICE DEPOT		50200050.531000.	5.17
37732	OVERALL LAUNDRY SERVICES INC	MAT CLEANING-WWTP	40142480.598100.	7.91
	OVERALL LAUNDRY SERVICES INC		40142480.598100.	7.91
	OVERALL LAUNDRY SERVICES INC	MAT CLEANING- MEZZANINE	40143780.549000.	13.55
	OVERALL LAUNDRY SERVICES INC		40143780.549000.	20.21
	OVERALL LAUNDRY SERVICES INC	MECHANIC' S UNIFORM	42047165.531700.	21.50

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37732	OVERALL LAUNDRY SERVICES INC	MECHANIC'S UNIFORM	42047165.531700.	21.50
	OVERALL LAUNDRY SERVICES INC	UNIFORM CLEANING-FLEET	50100065.526000.	104.80
37733	PACIFIC TOPSOILS INC	BRUSH DUMP FEE	00105380.545010.	26.93
	PACIFIC TOPSOILS INC	DEBRIS DUMP FEES	00105380.547000.	31.23
37734	THE PARTS STORE	SPARK PLUGS, AIR & OIL FILTER	00105380.598000.	19.33
	THE PARTS STORE	SPARKPLUGS	42047165.548000.	7.99
	THE PARTS STORE	V-BELT	42047165.548000.	9.96
	THE PARTS STORE	SERPENTINE BELT/TENSIONER	50100065.534000.	118.40
37735	Laurie Hugdahl	MINUTE TAKING SERVICE 3/05/07	00101130.541000.	75.00
	Laurie Hugdahl	MINUTE TAKING SERVICE 2/13/07	00102020.541000.	69.00
37736	PERTEET ENGINEERING INC	PAY ESTIMATE #2	30500030.563000.R0602	3,476.93
37737	PETROCARD SYSTEMS INC	FUEL-COMMUNITY DEVELOPMENT	00102020.532000.	347.90
	PETROCARD SYSTEMS INC	FUEL- POLICE	00103222.532000.	3,796.33
	PETROCARD SYSTEMS INC	FUEL -PARKS DEPT.	00105380.532000.	344.43
	PETROCARD SYSTEMS INC	FUEL- PARKS DEPT.	00105380.532000.	597.26
	PETROCARD SYSTEMS INC	FUEL- STREETS	10111230.532000.	1,307.67
	PETROCARD SYSTEMS INC	FUEL- OPERATIONS/ SANITATION	40143880.532000.	2,181.89
	PETROCARD SYSTEMS INC		41046060.532000.	2,360.42
	PETROCARD SYSTEMS INC	FUEL - FACILITIES	50200050.532000.	96.13
37738	PICK OF THE LITTER DESIGN, INC.	GRAPHIC DESIGN 2007 CAMP FLYER	00105120.531080.	248.00
	PICK OF THE LITTER DESIGN, INC.		00105120.531090.	248.00
37739	DENISE FREEMAN	JUMPSUIT - D. WHITE	00103222.526000.	371.27
37740	PLATT- EVERETT	LAMP SOCKET-LIBRARY	00112572.531000.	25.28
	PLATT- EVERETT	BALLAST, WIRENUTS-LIBRARY	00112572.531000.	174.49
37741	UNITED STATES POSTAL SERVICE	POSTAGE	00103010.542000.	2,000.00
37742	PR DIAMOND PRODUCTS INC	IRON BLADES	401.231700.	-37.66
	PR DIAMOND PRODUCTS INC		40140480.531000.	480.66
37743	PRO TEAM JANITORIAL	CARPET CLEANING-CITY HALL	00103530.541010.	495.00
	PRO TEAM JANITORIAL	JANITORIAL SVC PARKS-JANUARY	00105380.541000.	1,011.70
	PRO TEAM JANITORIAL	JANITORIAL SVC- PARKS FEBRUARY	00105380.541000.	1,011.70
	PRO TEAM JANITORIAL	JANITORIAL SVC PARKS-JANUARY	40143780.563000.	162.50
	PRO TEAM JANITORIAL	JANITORIAL SVC- PARKS FEBRUARY	40143780.563000.	162.50
37744	PACIFIC NW PUBLIC FLEET MNGRS ASSN	MEMBERSHIP RENEW- M.SHEPARD	50100065.549000.	100.00
37745	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 258-010-895-5	00105380.547000.	22.40
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 258-014-292-1	00105380.547000.	22.40
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 345-002-250-8	10110564.547000.	58.36
	PUD NO 1 OF SNOHOMISH COUNTY	ACT#210-094-460-8/614 LAKEWOOD	40140080.547000.	856.63
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 327-001-612-8	40140180.547000.	27.60
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 529-001-665-7	40140180.547000.	27.60
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 557-001-090-9	40140180.547000.	176.82
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 295-001-624-2	40140180.547000.	264.43
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 314-001-224-0	40140180.547000.	1,322.90
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT 543-001-786-2	40142280.547000.	1,183.72
37746	PUGET SOUND BUSINESS JOURNAL	2007 SUBSCRIPTION	00100720.549000.	88.00
37747	PUGET SOUND ENERGY	ACCT 753-901-800-7	00100010.547000.	1,546.85
	PUGET SOUND ENERGY	ACCT 549-775-008-2 CITY HALL	00103530.547000.	508.44
	PUGET SOUND ENERGY	ACCT 616-190-400-5	00105250.547000.	83.78
	PUGET SOUND ENERGY	ACCT 922-456-500-3	40143780.547000.	158.71
	PUGET SOUND ENERGY	ACCT 435-851-700-3	40143780.547000.	1,113.74
	PUGET SOUND ENERGY	ACCT.# 433-744-264-6	42047267.547000.	113.74
37748	PUGET SOUND SECURITY	DUPLICATE KEYS	00103010.531000.	4.23
	PUGET SOUND SECURITY		00103222.531000.	6.35

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37748	PUGET SOUND SECURITY	DUPLICATE KEYS, TAGS, RINGS	10110564.548000.	12.75
37749	PVP COMMUNICATIONS INC	MOTORCYCLE HELMET	001.231700.	-40.13
	PVP COMMUNICATIONS INC		00103222.526000.	512.16
37750	PYGOTT, CHRIS & CHRISTINA	UB 240569890002 10217 54TH DR	401.122110.	5.15
37751	QAL TEK ASSOCIATES	TROXLER CHARGE	10111440.531000.M0601	162.50
	QAL TEK ASSOCIATES		40142080.541000.M0533	162.50
37752	QUILCEDA COMMUNITY SERVICES	REFUND DEPOSIT FOR LIBRARY	001.239100.	58.00
37753	VICKEY QUINTEL	INSTRUCTOR-AEROBICS	00105250.541020.	443.25
37754	RINKER MATERIALS	CLASS B MOD ASPHALT- 27 TONS	10110130.531000.	1,554.07
	RINKER MATERIALS	CLASS B MOD ASPHALT -47 TONS	10110130.531000.	2,705.23
	RINKER MATERIALS	CLASS B MOD ASPHALT - 8 TONS	40142080.548000.	460.46
37755	ROADWAY EXPRESS	PLT METER RECORDING DEVICES	40141280.541000.	2,543.59
37756	ROBERT HALF TECHNOLOGY	S. BAKHTIARI-IT TEMP W.E. 2/09	50300090.541000.	1,152.00
37757	PAUL ROBERTS	TRAVEL-AWC, AWWA CONFERENCES	40143410.549000.	307.28
37758	CECILIA ROQUE	REFUND CLASS REGISTRATION	00110347.376009.	25.00
37759	RUBATINO REFUSE REMOVAL, INC.	REFUSE REMOVAL - PSB	00100010.549000.	82.60
	RUBATINO REFUSE REMOVAL, INC.	CREDIT-STORAGE CONTAINER RETRN	00100025.563000.C0601	-81.38
37760	SALINAS SAWING & SEALING INC	4" X 24" CORE DRILLS	40140980.535000.	282.10
37761	JESSICA SANDE	INSTRUCTOR- FOOTCARE	00105250.541020.	330.00
37762	SCBOWBO REC BALL DIVISION	REFEREES- YOUTH BASKETBALL	00105120.531040.	4,200.00
37763	SNO CO CLERKS & FINANCE OFFICERS	SCCFOA MARCH MEETING	00101023.549000.	10.00
	SNO CO CLERKS & FINANCE OFFICERS		00101130.549000.	10.00
37764	SCHNELLE, GINA & DAVID	UB 451797900001 13715 58TH DR	401.122110.	71.85
37765	SHAW ENVIRONMENTAL	CRITICAL AREA REVIEW	00102020.541000.	1,309.50
37766	SHRED IT WESTERN WASHINGTON	SHREDDING SERVICES	00100110.549000.	24.75
	SHRED IT WESTERN WASHINGTON		00100310.549000.	24.75
	SHRED IT WESTERN WASHINGTON	SHREDDING SERVICE 3/5/07	00103010.541000.	148.50
37767	SISKUN POWER EQUIPMENT	CHAINSAW BAR OIL	42047165.548000.	32.55
37768	SMITH, RICHARD	TRAVEL-PRE-EMPLOYMENT BUSINES:	00103010.549000.	488.72
37769	SNOHOMISH HEALTH DISTRICT	FOOD HANDLER CARD CLASS 2/27	00105250.541020.	220.00
37770	SNOPAC	DISPATCH SERVICES FEB 2007	00104000.551000.	36,255.17
37771	SOLID WASTE SYSTEMS INC	CART LATCHES	501.141100.	130.69
	SOLID WASTE SYSTEMS INC	MISC. CUROTTO CAN PARTS	501.141100.	16,323.44
37772	SONITROL	MONITORING SERVICE MARCH 2007	00100010.541000.	82.00
	SONITROL		00100010.541000.	95.00
	SONITROL		00103530.541000.	111.00
	SONITROL		00103530.541000.	160.00
	SONITROL		00105250.541000.	116.00
	SONITROL		00105380.541000.	107.00
	SONITROL	CREDIT MEMO-TEEN CENTER CHARGI	00105580.541000.	-605.00
	SONITROL	MONITORING SERVICE MARCH 2007	40142480.542000.	95.00
	SONITROL		40142480.542000.	105.00
	SONITROL		40142480.542000.	105.00
	SONITROL		40143410.541000.	76.00
	SONITROL		40143410.541000.	108.00
	SONITROL		40143410.541000.	160.00
37773	SOUND HARLEY DAVIDSON	REPLACEMENT OF HEATED GRIPS	00103222.548000.	511.10
	SOUND HARLEY DAVIDSON	INSTALL HEATED GRIPS/1K SERVIC	00103222.548000.	874.85
37774	SOUND SAFETY PRODUCTS CO INC	MEDIUM/LARGE VINYL GLOVES	00103960.531000.	130.48
	SOUND SAFETY PRODUCTS CO INC	1 PR BOOTS- S. DAY	00105380.526000.	78.74
	SOUND SAFETY PRODUCTS CO INC	3 PR JEANS- D. LAMBERT	40143410.526200.	92.85
	SOUND SAFETY PRODUCTS CO INC	JACKET	501.141100.	70.54

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37774	SOUND SAFETY PRODUCTS CO INC	CHEST WADER	501.141100.	132.44
	SOUND SAFETY PRODUCTS CO INC	JACKETS	501.141100.	141.07
	SOUND SAFETY PRODUCTS CO INC	RUBBER/LEATHER GLOVES, BOOT SV	501.141100.	188.77
37775	SPRINGBROOK NURSERY	1/2 YD MEDIUM BARK	00105380.531000.	9.15
	SPRINGBROOK NURSERY	2 YDS MEDIUM BARK	00105380.531000.	36.58
37776	SQLSOFT, INC	IT TRAINING - C BROWN	50300090.549000.	1,188.00
37777	STORAGE CONDOS OF WASHINGTON, LLC	REFUND- VARIANCE APPLICATION	00107345.358100.	250.00
37778	STRAWBERRY LANES	BEGINNING BOWLING CLASS	00105120.541020.	208.80
37779	SUNNYSIDE NURSERY	VITAMIN B-1 FOR TRANSPLANTING	00105380.531000.	3.86
37780	SYSTEMS INTERFACE INC	TECH SUPPORT 1/28 TO 2/10/07	40140280.541000.	1,012.09
	SYSTEMS INTERFACE INC	TECHNICAL SUPPORT 1/28- 2/10	40142480.541000.	752.47
37781	TELEDYNE ISCO, INC.	REPAIR COMPOSITE SAMPLER CONT.	40142380.541000.	1,400.00
	TELEDYNE ISCO, INC.		40142480.541000.	1,404.17
37782	TELWEST	ACCT # 19860	00100020.542000.	30.55
	TELWEST	ACCT# 19862	00100050.542000.	57.58
	TELWEST		00100110.542000.	46.06
	TELWEST		00100310.542000.	23.03
	TELWEST		00100720.542000.	11.52
	TELWEST		00101023.542000.	34.54
	TELWEST		00101130.542000.	5.76
	TELWEST	ACCT # 19860	00102020.542000.	76.38
	TELWEST	ACCT# 19863	00103010.542000.	194.13
	TELWEST		00103222.542000.	147.92
	TELWEST	ACCT# 19862	00103530.542000.	368.48
	TELWEST	ACCT# 19863	00103960.542000.	24.54
	TELWEST		00104000.542000.	15.34
	TELWEST		00104190.542000.	24.54
	TELWEST		00105250.542000.	18.40
	TELWEST		00105380.542000.	295.15
	TELWEST	ACCT# 19862	00143523.542000.	45.28
	TELWEST	ACCT # 19860	10111230.542000.	33.05
	TELWEST		40142480.542000.	30.56
	TELWEST		40143410.542000.	421.62
	TELWEST		41046170.542000.	3.06
	TELWEST	ACCT# 19863	42047061.542000.	6.14
	TELWEST	ACCT # 19860	50100065.542000.	21.38
	TELWEST		50200050.542000.	6.11
	TELWEST	ACCT# 19862	50300090.542000.	17.28
37783	TORO NSN	NSN COMPUTER EQUIPMENT	42047165.545000.	199.00
37784	DEPT OF TRANSPORTATION NW REGION	PROJECT COSTS FOR JAN 2007	30500030.563000.T0102	45.51
37785	TRAVEL ADVANCE FUND	SMARTGROWTH FOR CITIES-PHILLIP	00100060.543000.	58.00
37786	UNITED PARCEL SERVICE	SHIPPING TO WSP, PVP	00103121.542000.	23.32
	UNITED PARCEL SERVICE		00103222.542000.	5.37
	UNITED PARCEL SERVICE		00103222.542000.	14.43
	UNITED PARCEL SERVICE		00103222.542000.	17.24
	UNITED PARCEL SERVICE	SHIPPING TO WSP, WASPC	00103222.542000.	17.24
	UNITED PARCEL SERVICE		00103222.542000.	21.77
	UNITED PARCEL SERVICE	SHIPPING TO WSP, PVP	00103222.542000.	31.16
	UNITED PARCEL SERVICE	SHIPPING TO WSP, WASPC	00103960.542000.	13.27
	UNITED PARCEL SERVICE		00103960.542000.	13.27
	UNITED PARCEL SERVICE		00103960.542000.	15.27
	UNITED PARCEL SERVICE		00103960.542000.	15.27

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37786	UNITED PARCEL SERVICE	SHIPPING TO WSP, WASPC	00103960.542000.	15.27
	UNITED PARCEL SERVICE		00103960.542000.	15.27
37787	UNITED RENTALS	BILLY GOAT MOWER RENTAL	00105380.531000.	101.75
	UNITED RENTALS	EXCAVATOR RENTAL RETURN	40145040.548000.M0712	713.45
37788	VCA ANIMAL MEDICAL CENTER	FINANCE CHARGE 2/26/07	00104230.541000.	3.60
37789	VERIZON NORTHWEST	POLE BLDG	00103222.542000.	152.74
	VERIZON NORTHWEST	ACCT# 03 0211 100469609401	00104000.542000.	35.00
	VERIZON NORTHWEST	ACCT 100664011800	00104000.542000.	85.50
	VERIZON NORTHWEST	ACCT# 03 0275 1027463801 05	00104000.542000.	104.72
	VERIZON NORTHWEST	ACCT. 03 0278 1025645669	00105380.542000.	55.29
	VERIZON NORTHWEST	ACCT 103742634704	00105380.542000.	77.69
	VERIZON NORTHWEST	ACCT 103957234007	40142480.542000.	49.61
	VERIZON NORTHWEST	ACCT030211109792481505	40143410.542000.	74.85
37790	WASHINGTON, KELLEY L	UB 420761750005 4009 166TH PL	401.122110.	149.61
37791	WAYNE F RICKARD	COMPLETE AUTO DETAIL #103	40143880.598000.	103.08
37792	WESTERN EQUIPMENT DISTRIBUTORS	BEARINGS FOR MOWERS	42047165.548000.	635.16
37793	WESTERN FACILITIES SUPPLY INC	JANITORIAL SUPPLIES-RESTAURANT	42047165.531700.	58.14
	WESTERN FACILITIES SUPPLY INC		42047165.531700.	306.82
37794	DENISE WESTLEY	INSTRUCT-DIGITAL CAMERA CLASS	00105120.541020.	216.00
	DENISE WESTLEY	INSTRUCT- DIGITAL CAMERA CLASS	00105250.541020.	132.00
37795	WSHNA- OFFICER SHERRY MURPHY	2007 ANNUAL DUES-RASMUSSEN	00103121.541000.	25.00
	WSHNA- OFFICER SHERRY MURPHY	2007 ANNUAL DUES-SHACKLETON	00103121.541000.	25.00

WARRANT TOTAL:**223,928.18****Less Voids:****\$223,928.18**

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: Payroll	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Blanket Certification	APPROVED BY: 	
	MAYOR 	CAO 
BUDGET CODE:	AMOUNT:	

Please see attached.

RECOMMENDED ACTION:

The Finance and Executive Departments recommend City Council approve the March 20, 2007 payroll in the amount \$629,500.12 Check No.'s 17614 through 17677.

COUNCIL ACTION:

BLANKET CERTIFICATION
PAYROLL
FOR PERIOD-3

I, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE **PAYROLL** IN THE AMOUNT OF **\$629,500.12** PAID BY **CHECK NO.'S 17614 THROUGH 17677** ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIMS.

[Signature]
AUDITING OFFICER 3/19/07
DATE

[Signature]
MAYOR 3/26/07
DATE

WE, THE UNDERSIGNED COUNCILMEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE-MENTIONED **PAYROLL** ON THIS **20TH DAY OF MARCH 2007.**

COUNCILMEMBER _____
COUNCILMEMBER

COUNCILMEMBER _____
COUNCILMEMBER

COUNCILMEMBER _____
COUNCILMEMBER

COUNCILMEMBER _____
COUNCILMEMBER

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATED: March 26, 2007

AGENDA ITEM: Liquor License Renewals	AGENDA SECTION: Consent	
PREPARED BY: Carol Mulligan, Program Specialist	AGENDA NUMBER:	
ATTACHMENTS: 1. Liquor License Renewal Listing	APPROVED BY:	
	MAYOR	
BUDGET CODE:	AMOUNT:	

The following establishments have applied for liquor license renewals: *Kuhnle's Tavern (204 State Avenue)*; *Maxi's Restaurant (9611 Smokey Point Boulevard, Ste. C)*; *4th Street Market & Deli (1212 – 4th Street)*; *7 Eleven Store #2306-32834A (3609 – 88th Street NE)*; *7 Eleven Store #29536 (10013A Shoultes Road)*; *La Hacienda #4 (9922 State Avenue)*; *Smoke Plus (9206 State Avenue #C)*; and *Shell Foodmart #126 (1209 – 4th Street)*. The Police Department and the City Clerk's Office have reviewed and approved these requests.

RECOMMENDED ACTION:

The Police Department and the City Clerk's Office recommend City Council approve the liquor license renewals for *Kuhnle's Tavern (204 State Avenue)*; *Maxi's Restaurant (9611 Smokey Point Boulevard, Ste. C)*; *4th Street Market & Deli (1212 – 4th Street)*; *7 Eleven Store #2306-32834A (3609 – 88th Street NE)*; *7 Eleven Store #29536 (10013A Shoultes Road)*; *La Hacienda #4 (9922 State Avenue)*; *Smoke Plus (9206 State Avenue #C)*; and *Shell Foodmart #126 (1209 – 4th Street)*.

COUNCIL ACTION:

C091080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 3/05/07

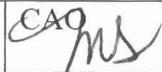
LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF MARYSVILLE
(BY ZIP CODE) FOR EXPIRATION DATE OF 20070630

	LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1	KUHNLE'S TAVERN, INC.	KUHNLE'S TAVERN 204 STATE AVE MARYSVILLE WA 98270 0000	354842	TAVERN - BEER/WINE OFF PREMISES
2	A.D.K., INC.	MAXI'S RESTAURANT 9611 SMOKEY POINT BLVD STE C MARYSVILLE WA 98270 0000	369458	SPIRITS/BR/WN REST LOUNGE +
3	AN, CHANG KEUN AN, MI Y	4TH STREET MARKET & DELI 1212 4TH ST MARYSVILLE WA 98270 0000	365210	GROCERY STORE - BEER/WINE
4	KLASSEN, JEFFREY A THE SOUTHLAND CORPORATION, FR	7 ELEVEN STORE 2306-32834A 3609 88TH ST NE MARYSVILLE WA 98270 0000	081572	GROCERY STORE - BEER/WINE
5	KLASSEN, JEFFREY A. THE SOUTHLAND CORPORATION	7-ELEVEN FOOD STORE NO. 29536 10012A SHOULTES RD MARYSVILLE WA 98270 0000	073034	GROCERY STORE - BEER/WINE
6	LA FRAGATA, INC.	LA HACIENDA #4 9922 STATE AVE MARYSVILLE WA 98270 2228	359004	SPIRITS/BR/WN REST LOUNGE + CATERING
7	MOON, CHANG IL	SMOKE PLUS 9206 STATE AVE # C MARYSVILLE WA 98270 2266	400813	GROCERY STORE - BEER/WINE
8	ARS WEST LLC	SHELL FOODMART-SITE 126 1209 4TH ST MARYSVILLE WA 98270 4916	366457	GROCERY STORE - BEER/WINE

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: Approval of Fireworks Applications	AGENDA SECTION:	
PREPARED BY: Carol Mulligan, Program Specialist	AGENDA NUMBER:	
ATTACHMENTS: 1. MMC 9.20 2. Notices Distributed at Fireworks Stands	APPROVED BY:	
	MAYOR	
BUDGET CODE:	AMOUNT:	

The City has received Fireworks Stand Permit Applications for the following locations:

<u>Applicant</u>	<u>Location</u>
Marysville Kiwanis	3713 – 116 th Street NE (Gateway Shopping Center)
Marysville Kiwanis	1052 State Avenue (Gold’s Gym)
Marysville Kiwanis	1258 State Avenue (Safeway)
Marysville Kiwanis	3711 – 88 th Street NE (Haggens)
Marysville Kiwanis	301 Marysville Mall (Albertson’s-South.)
Marysville Kiwanis	6610 - 64th Street NE (Allen Creek Thriftway)
Mountain View Assembly of God	9925 State Avenue (Fred Meyer)
Turning Point Church	11401 State Avenue (Albertson’s-North)

All applicants meet requirements specified in MMC 9.20. Stand operators are provided with an information sheet on City regulations. These are laminated and to be displayed at each stand. They are also provided with copies for distribution to customers.

The Marysville Fire District inspects each stand and the Fire District distributes permits upon determining a satisfactory inspection.

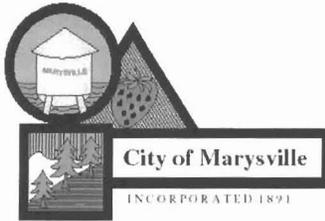
Staff annually monitors parking at stand locations. There continues to be no apparent problems at the current locations.

<p>RECOMMENDED ACTION: The City Clerk recommends the City Council approve firework stand permits for the Marysville Kiwanis (6 stands), Mountain View Assembly of God (1 stand), and Turning Point Church (1 stand).</p>
<p>COUNCIL ACTION:</p>

TOC

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Chapter 9.20 FIREWORKS

Sections:

- 9.20.010 State statutes adopted.
- 9.20.015 Additional definitions.
- 9.20.020 Date and time limits for sale or discharge of consumer fireworks.
- 9.20.070 Permit procedure.
- 9.20.080 Action by city council.
- 9.20.090 Issuance of – Nontransferable.
- 9.20.110 Operation of fireworks stands.
- 9.20.120 Temporary fireworks stand specifications.
- 9.20.125 Enforcement – Revocation of permit.
- 9.20.130 Penalties for violations.

9.20.010 State statutes adopted.

The following sections of the State Fireworks Law (Chapter 70.77 RCW) are adopted by reference, including any amendments to the same which may hereafter be enacted by the state of Washington:

RCW

- 70.77.126 Definition of “fireworks.”
- 70.77.131 Definition of “display fireworks.”
- 70.77.136 Definition of “consumer fireworks.”
- 70.77.141 Definition of “agricultural and wild1ife fireworks.”
- 70.77.146 Definition of “special effects.”
- 70.77.160 Definition of “public display of fireworks.”
- 70.77.165 Definition of “fire nuisance.”
- 70.77.180 Definition of “permit.”
- 70.77.190 Definition of “person.”
- 70.77.205 Definition of “manufacturer.”
- 70.77.210 Definition of “wholesaler.”
- 70.77.215 Definition of “retailer.”
- 70.77.230 Definition of “pyrotechnic operator.”
- 70.77.255 Acts prohibited without a license.
- 70.77.285 Public display permit – Bond.
- 70.77.290 Public display permit.
- 70.77.295 Public display permit – Amount of bond.
- 70.77.311 Exemptions from licensing.
- 70.77.335 License authorizes activities of salesmen, employees.

- 70.77.405 Authorized sales of toy caps, tricks, novelties.
- 70.77.410 Public displays not to be hazardous.
- 70.77.415 Supervision of public displays.
- 70.77.420 Storage permit required.
- 70.77.425 Approved storage facilities required.
- 70.77.430 Sale of stock after revocation or expiration of license.
- 70.77.450 Examination, inspection of books and premises.
- 70.77.480 Prohibited transfers of fireworks.
- 70.77.485 Unlawful possession.
- 70.77.488 Reckless discharge or use of fireworks.
- 70.77.510 Sales or transfers of display fireworks.
- 70.77.515 Sales or transfers of consumer fireworks.
- 70.77.520 Fire nuisance where fireworks kept – Prohibited.
- 70.77.535 Special fireworks for entertainment media.
- 70.77.545 Violation a separate, continuing offense.
- 70.77.570 Certain rockets not to be sold as common fireworks.
- 70.77.580 Posting by retailers of lists of allowed fireworks.
(Ord. 2409 § 1, 2002; Ord. 1942 § 1, 1993; Ord. 1778 § 1, 1990; Ord. 1376 § 2, 1984).

9.20.015 Additional definitions.

The following additional definitions shall apply in this chapter:

- (1) "Articles pyrotechnic" means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use which meet the weight limits for consumer fireworks but which are not labeled as such and which are classified as UNO 431 or UNO 432 by the United States Department of Transportation at CFR Section 172.101 as of the effective date of this definition.
- (2) "Permittee" means any person issued a fireworks permit in conformance with this chapter. (Ord. 2409 § 2, 2002).

9.20.020 Date and time limits for sale or discharge of consumer fireworks.

No fireworks shall be sold or discharged within the city except as follows:

- (1) The sale of consumer fireworks shall be allowed from 12:00 noon to 11:00 p.m. on June 28th and from 9:00 a.m. to 11:00 p.m. on June 29th through July 4th.
- (2) Consumer fireworks may be discharged July 4th only from 9:00 a.m. to 11:00 p.m. and December 31st from 9:00 a.m. to 2:00 a.m. on January 1st. (Ord. 2529 § 1, 2004; Ord. 2409 § 3, 2002; Ord. 2031 § 1, 1995; Ord. 1942 § 2, 1993).

9.20.070 Permit procedure.

Any adult person, firm, partnership, corporation or association may apply for a fireworks permit; provided, that the applicant must hold a current business license issued by the city, and must be, or be sponsored by, a person or entity which has a permanent address within the city limits. The application shall be in writing and shall be filed with the city clerk, at least 30 days in advance of the proposed sale of fireworks. The application shall include the following:

- (1) Proof that the applicant has been issued a fireworks license or permit by the Chief of the Washington State Patrol acting through the Director of Fire Protection;
- (2) A description of the proposed location of the fireworks;
- (3) Proof that the applicant has an insurance policy with bodily injury liability limits of \$50,000/\$1,000,000 for each person and occurrence and \$50,000 for property

damage liability for each occurrence. The city shall be named as an additional insured on the policy;

(4) An annual license fee of \$50.00;

(5) Subject to MMC 9.20.080, such permit shall be issued if the application meets the requirements of Chapter 70.77 RCW and all ordinances of the city of Marysville within the earlier of 30 days after the receipt of the application or by June 10th of the calendar year. (Ord. 2409 § 4, 2002; Ord. 2031 § 2, 1995; Ord. 1592, 1987; Ord. 1241 § 2, 1982; Ord. 1235 § 3, 1982).

9.20.080 Action by city council.

Upon seven days' advance written notice to the applicant, the city council shall hold a public meeting on the issuance of a fireworks permit. The city council shall have power, in its discretion, to grant or deny the application, subject to reasonable conditions, if any, as it shall prescribe. No more than eight fireworks stands shall be permitted within the city limits. The decision of the city council with respect to an application shall be final. (Ord. 1241 § 3, 1982; Ord. 1235 § 4, 1982).

9.20.090 Issuance of – Nontransferable.

Upon approval by the city council of a fireworks permit, the city clerk shall issue the same to the applicant who thereafter shall be the permittee. The permit shall be for a term of one year. No permit shall be transferable without express approval by the city council. (Ord. 2409 § 5, 2002; Ord. 1235 § 5, 1982).

9.20.110 Operation of fireworks stands.

The party holding the fireworks permit shall operate the fireworks stand exclusively by and through its employees, members or designees. At least one adult person (age 18 or over) shall be present at all times a fireworks stand is open to the public. No person under 16 years of age shall be allowed to sell fireworks or remain within a fireworks stand when it is open to the public. (Ord. 1778 § 2, 1990; Ord. 1241 § 4, 1982; Ord. 1235 § 6, 1982; Ord. 479 § 11, 1962).

9.20.120 Temporary fireworks stand specifications.

All retail sales of consumer fireworks shall be permitted only from a retailer at a retail fireworks stand or outlet that is temporary, and the sale from any other building or structure is prohibited.

A retail fireworks stand shall be subject to the following provisions, unless preempted by state-wide standards, in which event the state-wide standards shall apply:

(1) No retail fireworks stand shall be located within 25 feet of any other building, nor within 50 feet of any gasoline station.

(2) Retail fireworks stands shall be temporary and need not comply with the provisions of the building code of the city; provided, however, that all stands shall be erected under the supervision of the fire chief, as defined elsewhere in this code, who shall require that the stand be constructed in a manner which shall insure the safety of attendants and patrons, shall be wired according to state or national electrical code, and shall satisfy any state-wide standards issued by the State Director of Fire Protection. At least two approved fire extinguishers with 2.5 gallons apiece, or equivalent, shall be maintained at each stand at all times.

(3) Each stand must have two exits.

(4) No retail fireworks stand shall be located closer than 600 feet to another fireworks stand.

(5) All weeds and combustible material shall be cleared from the location of the

stand, including a distance of at least 20 feet surrounding the stand.

(6) "No Smoking" signs shall be prominently displayed on the fireworks stand.

(7) Each retail fireworks stand shall be operated by adults only. No fireworks shall be left unattended in a stand.

(8) All unsold stock and accompanying litter shall be removed from the location by 12:00 noon on the sixth day of July of each year.

(9) The retail fireworks stand shall be disassembled and removed from the location by 12:00 noon on the sixth day of July of each year. (Ord. 2409 § 6, 2002; Ord. 1778 § 3, 1990; Ord. 479 § 12, 1962).

9.20.125 Enforcement – Revocation of permit.

The city fire marshal shall be authorized to enter and inspect all fireworks stands to assure compliance with the provisions of this chapter and to protect the public health, safety and welfare. The fire marshal is authorized to temporarily revoke any permit, for cause. Any party aggrieved by such revocation shall have the right to appeal the same to the city council within 10 days thereafter. The decision of the city council shall be final. (Ord. 1235 § 7, 1982).

9.20.130 Penalties for violations.

Any person violating this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$300.00, or by imprisonment in the city jail for a period not exceeding 90 days, or by both such fine and imprisonment. Further, the license shall be revoked. (Ord. 479 § 13, 1962).



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**COMMON FIREWORKS MAY BE
DISCHARGED IN
THE CITY OF MARYSVILLE:**

JULY 4th ONLY

9:00 AM TO 11:00 PM

**COMMON FIREWORKS MAY BE
DISCHARGED IN
THE CITY OF MARYSVILLE:**

JULY 4th ONLY

9:00 AM TO 11:00 PM

**CITY OF MARYSVILLE-
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: PA 0006019 Serenade – Final Plat	AGENDA SECTION:	
PREPARED BY: Cheryl Dungan, Senior Planner	AGENDA NUMBER:	
ATTACHMENTS: 1. Hearing Examiner Decision dated 04/05/01 2. Council minutes (7/18/05 & 07/25/05) 3. Section 20.12.120 MMC (Time Limits) 4. Site Plan 5. Vicinity Map 6. Legal Description	APPROVED BY: 	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

On April 5th, 2001, the Hearing Examiner approved the preliminary subdivision of Serenade, creating 10 lots on approximately 4.79 acres. Pursuant to Section 20.12/120 MMC, final subdivision approval must be obtained within 5 years of preliminary approval. One, one-year extension is allowed provided the applicant can demonstrate good faith in submitting the final plat within the 5-year time frame. On July 25, 2005, the City Council approved a one-year plat extension for the Plat of Serenade provided the applicant submit civil engineering plans to the City for review by April 5, 2006, which the applicant did. The one-year plat extension expires on April 5, 2007. The applicant is currently in the process of completing the necessary requirements/improvements to allow the plat to be recorded prior to the expiration date.

The site is generally located south of 70th St NE, east of 60th Drive NE, being a portion of the NE ¼ of Section 27, Township 30N, Range 5E, WM.

RECOMMENDED ACTION: Planning Staff recommends Council authorize the Mayor to sign the Final Plat Mylar, provided the applicant meets all conditions of plat approval prior to the April 5th, 2007 recording deadline.

COUNCIL ACTION:

CITY OF MARYSVILLE
Hearing Examiner
Findings, Conclusions and Decision

APPLICANT: Robinett Development Company

CASE NO.: PA 0006019

LOCATION: 6104 70th Street NE

APPLICATION: Request for approval of a 10-lot preliminary site plan, preliminary plat

SUMMARY OF DECISION:

Planning Staff Recommendation: Approve with conditions

Hearing Examiner Decision: Approve with conditions

PUBLIC HEARING:

After reviewing the official file, which included the Planning Staff's Advisory Report, and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Robinett application was opened at 7:15 p.m., March 22, 2001, in the Council Chambers, Marysville, Washington, and closed at 8:14 p.m. Participants at the public hearing are listed in the minutes of the hearing. A verbatim recording of the hearing and more complete minutes are available in the Planning Department. A list of exhibits offered and entered at the hearing and a list of parties of record are attached to this report.

HEARING COMMENTS:

As noted in the minutes of the hearing, comments were offered by:

Cheryl Dungan, Senior Planner
Eric Thompson, Program Engineer – Land Development
Marty Robinett, applicant
James Rocco Sheets, neighbor
Larry Price, Marysville School District representative
Bruce Tipton, concerned citizen
Jason Jones, neighbor

WRITTEN COMMENTS:

Written comments were received from the following members of the general public:
James and Nancy Sheets (Exhibits 13, 24, 38, 63, & 69)

Charles Watts (Exhibit 22)

Bruce Tipton (Exhibits 61 & 62)

ISSUES AND CONCERNS IDENTIFIED:

Following are issues and concerns identified in the oral and written comments submitted by community residents on this file. Please see minutes of the hearing and exhibits noted for full description of the issues and concerns identified.

- An Environmental Impact Statement should be required (Exhibit 63)
- Drainage impacts from the proposed development will impact the surrounding existing developments and drainage from the proposed development should be thoroughly reviewed (Exhibits 13, 22, 24, 61, 62, 63 and 69, and hearing comments from James Sheets and Bruce Tipton)
- Curbs and gutters should be required beyond the frontage of the subject property (Exhibits 13 and 69)
- Sidewalks should be extended beyond the frontage of the subject property for public safety particularly for school children (Exhibits 13 and 69, and hearing comments from Larry Price, James Sheets and Jason Jones)
- A sight obscuring fence along with an evergreen tree greenbelt should be required along the south side of the Sheets property and a sight obscuring fence should be required along the west side of the Sheets property - with an access gate. (Exhibit 13)
- A light easement should be required that would allow only a one story house to be constructed on proposed lot 10 (Exhibit 69 and hearing comments from James Sheets)
- Lots in the proposed subdivision are smaller than the surrounding lots (Hearing comments from Jason Jones)

FINDINGS CONCLUSIONS AND DECISION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

A. FINDINGS AND CONCLUSIONS:

1. The information contained in Sections I and II of the Planning Staff's Advisory Report (Hearing Examiner Exhibit 65), as corrected at the hearing, is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as portion of the Hearing Examiner's findings and conclusions. A copy of said report is available in the Planning Department.
2. The minutes of the meeting accurately summarize the testimony offered at the hearing and by this reference are entered into the official record.
3. Environmental Review. After evaluation of the applicant's environmental checklist and other supporting documents and application materials, a Mitigated Determination of Non-

Significance (MDNS) was issued on 2/14/01. Written comments were submitted from neighboring property owners (Exhibit 63), however no appeal to the MDNS was filed. Therefore, the MDNS stands and the environmental review done under SEPA has been completed.

4. Drainage Impacts: The applicant has submitted a preliminary drainage report (Exhibit 10). The City of Marysville Engineering Department reviewed the preliminary drainage report and deemed it to be acceptable for preliminary approval (Exhibit 43). The “as-built” drawings (Exhibit 70) show what drainage facilities are now in place in the area. Section I.H of the Planning Staff report (Exhibit 65) provides a good explanation of the drainage issues relative to this proposal. During the construction plan review phase, the applicant will be required to address additional issues in much greater detail.
5. Extended Curbs, Gutters and Sidewalks: There must be a nexus or a connection between the proposed development and the identified problem. Furthermore, the conditions required by the City must be “roughly proportional” to the impact that is being generated by the proposed development. It is acknowledged that a problem already exists with respect to curbs, gutters and sidewalks; however, the problem that exists was not created by the proposed development. The City can require the applicant to install curb, gutter and sidewalks where the impact is directly linked to the proposed development, but based on existing case law; the City has no authority to require more than that. In this case, the applicant will be required to install curbs, gutters and sidewalks along the entire frontage of the property involved in the proposed development. If all development in the past had been required to do the same, there would be curbs, gutters and sidewalks in front of all of the developed properties in the City. At the hearing, Engineering staff indicated that the City has been working with the School District to identify unsafe walking areas and the City has a program whereby sidewalks may be improved with adjacent landowner participation.
6. Fence/Greenbelt: Chapter 19.16 MMC sets the standards for landscaping and screening in Marysville. The Chapter provides requirements for visual screens and barriers as transitions between different land uses. However, in this case, the proposal is for a single-family residential development that is surrounded on three sides by single-family residential developments. The land on the fourth side is unplatted and the subject property has a significant wetland on that side. Therefore, no fences or greenbelts can be required. The developer may choose to install a fence or greenbelt as part of his development, but there is no adopted code upon which such a screen could be required as a condition of plat approval.
7. Light Easement: The owners of the house to the north of proposed Lot 10 requested a light easement to allow only a one story house to be constructed on Lot 10. The house on the lot north of Lot 10 is located over 105 feet from the north property line of proposed Lot 10. Normally a minimum of a 5-foot side yard setback would be required, but in this case, proposed Lot 10 will have a 10-foot wide storm easement along its north property

line and there will be a 10-foot building setback line from the drainage pipe that is installed in that easement. Therefore, any house or garage that is built on proposed Lot 10 will need to have over a 10-foot setback from the north property line. The zoning code allows a maximum height of 30 feet in the R 4.5 zone. The Examiner can find no basis for a condition to require a light easement on proposed Lot 10.

8. Smaller Lots: The sizes of the proposed lots comply with the City's Comprehensive Plan and Zoning Code. The minimum lot size allowed in the R 4.5 zone is 5,000 square feet. The smallest lot in the proposed subdivision will be 5,028 square feet in size and the average lot size will be 7,734 square feet.
9. If approved as conditioned below, the development will be consistent with the comprehensive plan and will meet the requirements and intent of the Marysville Municipal Code.
10. If approved as conditioned below, the development will make adequate provisions for open space, environmentally sensitive areas, drainage streets and other public ways, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.
11. If approved as conditioned below, the development will be beneficial to the public health, safety and welfare and will be in the public interest.
12. If approved as conditioned below, the development will not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan.
13. The area, location and features of land proposed for dedication are a direct result of the development proposal are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

B. DECISION:

Based upon the foregoing findings of fact and conclusions, the request is approved, subject to the following conditions:

1. Front yard setbacks on lots 5 and 9 shall be relocated to the point where the lot meets the minimum lot width requirement for the zone.
2. Prior to site development, the applicant shall contact the Department of Fisheries with regards to H.P.A. permit requirements.
3. The existing wells shall be abandoned in accordance with Snohomish Health District and Department of Ecology standards. (MDNS #1)

4. A detailed drainage plan, which includes a drainage report and downstream analysis, shall be submitted by a licensed engineer and shall be approved by the Department of Public Works prior to site development. The plan shall demonstrate that the project as proposed will not adversely impact adjacent properties. (MDNS #2)
5. Prior to approval of the drainage plan, the applicant's wetland biologist shall review the proposed plans to ensure that the hydrology of the wetland is being maintained. The biologist shall submit a letter to the city for review and approval. (MDNS #3)
6. Prior to construction plan approval, the applicant shall submit a final geotechnical report that contains additional groundwater monitoring reports. (MDNS #4)
7. A Water Quality Control (WQC) Plan shall be prepared and submitted for review and approval by the City. A professional engineer licensed in the state of Washington shall prepare the WQC plan. The WQC plan shall meet all technical and detail requirements, including a project description, background computations for sizing drainage facilities and a downstream analysis. The WQC plan will also be required to identify how the Large Parcel Minimum Requirements 1 through 12 have been addressed. Particularly, LPMR #1, Erosion and Sedimentation Control Plan. The design of the WQC plan shall be subject to the requirements of the Stormwater Management Manual for the Puget Sound Basin and all construction standards and specifications as provided for under 14.15.100 MMC. (MDNS #5)
8. A clearing and grading plan meeting the requirements of Chapter 19.28 shall be submitted and approved by the City prior to site development. Clearing limits fencing shall be installed along the outer edge of all wetland buffer and open space areas prior to any site work. The City shall inspect all erosion control measures, and clearing limits fencing prior to the start of clearing and grading work. (MDNS #6)
9. The applicant shall submit a final wetland mitigation plan, which includes the following:
 - ◆ A detailed planting plan consistent with 19.24.150 shall be submitted prior to final plat approval. (MDNS #7)
10. Wetland fencing and signage along those lots adjacent to a regulated wetland or stream corridor shall be constructed with pressure treated posts and rails, cemented into the ground, and either cedar or treated rails. Alternative materials may be used subject to approval by the City. The signs shall be posted at a rate of 100 feet minimum. (MDNS #8)
11. Prior to final plat approval, the applicant shall provide a landscape/reforestation plan that will include, but not be limited to, the following improvements: (MDNS #9)
 - ◆ Street trees spaced 40 feet on center. These trees shall be a minimum of 2" caliper or 10' to 12' in size at the time of planting. Tree species should be selected from the City's recommended street tree listing in the streetscape plan.
 - ◆ Yard trees at a rate of two (2) trees per lot. These trees should include at least one evergreen tree, which is a native species to the Northwest region. These trees shall be a minimum of 2" caliper or 10' to 12' in size for deciduous and 6' in size for evergreen. Lots that include retained trees will not be required to provide yard trees.
 - ◆ Pond landscaping.

(Note: Street trees to be installed prior to final plat approval, yard trees to be installed prior to final home inspection for that particular lot).

12. Concurrently with street tree installation the applicant shall install sod within all planter strips located within public right-of-way.
13. The applicant shall install a reflective barricade at the east edge of the newly constructed sidewalk. (MDNS #10)
14. The applicant shall participate on a proportionate share basis towards the County's street system at a rate of \$158 per average daily trip x 15%. (MDNS #11)
15. The applicant shall make mitigation payments of \$963 per new lot for park and recreation impacts. (MDNS #12)
16. The applicant shall participate on a proportionate share basis towards the City's street improvement projects to mitigate the projects impacts to the city's street system in an amount not to exceed \$1542 per evening peak hour trip. (MDNS #13)
17. The applicant shall pay traffic mitigation, on a proportionate share basis, towards the signalization project planned for the intersection of SR 528 and SR 9 in the amount of \$232.40. (MDNS #14)
18. The applicant shall pay school mitigation on a proportionate share basis for adverse impacts to the Marysville School District in the amount of \$2,000 per new lot. (MDNS #15)
19. The following restrictions shall be shown on the final plat map:
 - “No further subdivision of any lot without resubmitting for formal plat procedure.”
 - “The sale or lease of less than a whole lot in any subdivision platted and filed under Title 20 of the Marysville Municipal Code is expressly prohibited except in compliance with Title 20 of the Marysville Municipal Code.”
 - “All landscaped areas in public right-of-way shall be maintained by the developer and his successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to city road purposes.”
 - “The location and height of all fences and other obstructions within and easement as dedicated on this plat shall be subject to the approval of the Director of Public Works or his designee.”
20. The proposed subdivision shall meet all requirements of Chapter 20.20 of the Marysville Municipal Code for final plat approval.

Dated this 5th day of April 2001.



Ron McConnell, FAICP
Hearing Examiner

RECONSIDERATION:

A party to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the director within fourteen (14) days of the final written decision. The request shall comply with MMC 15.11.020(3). The examiner shall consider the request within seven (7) days of filing the same. The request may be decided without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue its decision. Reconsideration should be granted only when a legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

JUDICIAL APPEAL:

- (1) Appeals from the final decision of the hearing examiner, or other city board or body involving MMC Titles 15 to 20 and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court pursuant to the Land Use Petition Act, RCW 36.70C within 21 days of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.
- (2) Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.
- (3) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of the proceedings shall be prepared by the City or such qualified person as it selects. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

EXHIBITS:

The following exhibits were offered and entered into the record:

1. Receipt & copy of check
2. Application
3. Plat Name Reservation Certificate
4. Resolution of the Members of Robinett Development Co., LLC
5. Preliminary Plat Map dated 6/1/00 (Superceded)
6. Sensitive Area Study & Buffer Enhancement Plan (Superceded)
7. Environmental Checklist (Superceded)
8. 300' Mailing Labels
9. Title Report
10. Drainage Report

11. Surface Exploration, Geologic Hazard, & Preliminary Geotechnical Engineering Report
12. Letter to Robinett Development Co. dated 6//100
13. Letters from Jim & Nancy Sheets
14. Neighborhood Meeting Notice, mailing list & sign-in sheet
15. Traffic Analysis
16. Letter to Owen Carter and Traffic Mitigation Offer to Snohomish County dated 7/6/00
17. Letter of completeness dated 7/7/00
18. Affidavit of Posting
19. Request for Review Checklist
20. RFR comments from Marysville Fire District
21. Letter to Robinett Development from Owen Carter dated 7/15/00
22. Letter from Charles K. Watts received 7/21/00
23. RFR comments from Michael Huey, Snohomish County PW
24. Letter from Jim & Nancy Sheets received 7/20/00
25. RFR comments from Utility Dept.
26. RFR comments from Marysville School District
27. RFR comments from WSDOT
28. Letter to Occupant from Robinett Development dated 8/14/00
29. RFR comments from Engineering
30. E-mail from Sarah Suggs, DOE, dated 9/21/00
31. Letter to Ginger Amundson, Robinett Development, dated 9/19/00
32. Letter from Robinett Development received 9/26/00
33. Letter to Ginger Amundson, Robinett Development dated 9/27/00
34. Memo from Eric Thompson received 10/5/00
35. Letter to Ginger Amundson dated 10/10/00
36. Letter to Anne Miller from Ginger Amundson received 10/16/00
37. E-mail to Sarah Suggs, DOE, dated 10/23/00
38. Fax from James & Nancy Sheets dated 10/27/00
39. Memo to Teresa Vanderburg, PWS, dated 10/31/00
40. E-mail from Sarah Suggs dated 10/26/00
41. Letter from Ginger Amundson received 11/3/00
42. Preliminary Plat Map dated 11/9/00 (Superceded)
43. Memo to Eric Thompson from Randall Brower received 12/7/00
44. Letter from Ginger Amundson received 12/12/00
45. Letter from Teresa Vanderburg, Adolfsen Associates, Inc. received 12/21/00
46. Letter from Ginger Amundson received 1/18/01
47. Revised Sensitive Area Study & Buffer Averaging and Enhancement Plan (Revised 1/12/01)
48. Revised Environmental Checklist received 1/18/01
49. Preliminary Plat Map 1/18/01 (Superceded)
50. Request for Review Checklist
51. Revised Sensitive Area Study & Buffer Averaging and Enhancement Plan (Revised 1/23/01)
52. Memo from Randall Brower dated 1/23/01

53. Fax to Ginger Amundson with comments from Engineering Dept. of 1/26/01
54. E-mail from Ginger Amundson dated 2/12/01
55. Letter from Ginger Amundson dated 2/13/01
56. Revised Preliminary Plat Map dated 2/13/01
57. MDNS
58. Affidavit of Posting
59. Affidavit of Publication
60. Letter from Bruce Tipton received 2/28/01
61. Letter from Bruce Tipton received 2/28/01
62. Fax to Ginger Amundson with letter from Jim & Nancy Sheets received 2/28/01
63. Affidavit of Posting
64. Staff Recommendation
65. Memo from Eric Thompson, re: Trench Drain Questions dated 2/14/01
66. Affidavit of Publication
67. Letter from Ginger Amundson received 3/16/01 with Traffic Mitigation Offer
68. Letter from Martin H. Robinett received 3/16/01
69. Hearing presentation for James Rocco Sheets
70. As built drawings for downstream ditching system

PARTIES of RECORD:

Marty Robinett
Robinett Development Company
3601 Colby Avenue
Everett, WA 98201

Richard and Betty Swinger
6104 70th St. NE
Marysville, WA 98270

James and Nancy Sheets
6140 70th St. NE
Marysville, WA 98270

Larry Price
Marysville School District
4220 80th St. NE
Marysville, WA 98270

Bruce Tipton
6308 100th St. NE
Marysville, WA 98270

James Jones
6910 62n Dr. NE
Marysville, WA 98270

Charles Watts
6823 60th Dr. NE
Marysville, WA 98270

Planning Department
Engineering Department

A. Approval of July 13, 2005 Claims.

B. Approval of July 20, 2005 Claims.

C. Approval of July 20, 2005 Payroll.

**D. Approval of One-Year Plat Extension for Final Plat Approval for Serenade Plat;
PA 0006019.**

Community Development Director Gloria Hirashima pointed out that staff is recommending conditional approval subject to civil engineering plans being submitted by April 5, 2006. There was some discussion about the location of this site.

E. Approval of Supplemental Agreement No. 1 for Lakewood Sewer Extension; Gray & Osborne, Inc.

Public Works Director Paul Roberts commented that the alignment had been changed back in March. This project will be open for bids later this week.

F. Approval of New Liquor License for Smokey's Cascadia (210 State Avenue).

There were no comments or questions regarding this item.

G. Authorize Mayor to Sign TX Messenger Software Maintenance And Support Agreement No. SA002784-000 with Motorola, Inc.

Mayor Kendall stated that this was an administrative matter that had been pulled from the agenda.

REVIEW BIDS

A. Lakewood Sewer Extension.

This will be open for bids later this week.

B. Hayho Creek Culvert Replacements.

This will be open for bids later this week.

PUBLIC HEARINGS

None.

CURRENT BUSINESS

None.

Motion made by Councilmember Nehring; seconded by Councilmember Soriano to approve the minutes as amended. Motion passed unanimously (6-0) with Councilmember Vares abstaining.

CONSENT

- A. Approval of July 13, 2005 Claims in the Amount of \$365,739.59; Paid by Check No. 24024 through 24183.**
- B. Approval of July 20, 2005 Claims in the Amount of \$1,040,834.22; Paid by Check No. 24184 through 24339 with Check No. 23077 and Check No. 24081 Void.**
- C. Approval of July 20, 2005 Payroll in the Amount of \$554,838.00; Paid by Check No. 14761 through 14836.**
- D. Approval of One-Year Plat Extension for Final Plat Approval for Serenade Plat; PA 0006019.**
- E. Approval of Supplemental Agreement No. 1 for Lakewood Sewer Extension; Gray & Osborne, Inc.**
- F. Approval of New Liquor License for Smokey's Cascadia (210 State Avenue).**
- G. Authorize Mayor to Sign Professional Services Agreement with RH2 Engineering for Design and Construction Management on Regan Road Sewer Lift Station Rehabilitation Project.**
- H. Approval of Purchase of City Flags Using Monies from Fund Established for Economic Development Purposes.**
- I. Authorize Mayor to Sign Software License Agreement with ACTIVENETWORK for Class Registration and Scheduling Software.**

Mayor Kendall solicited audience comments on the consent agenda. There were none. He then solicited Council comments on the consent agenda. There were none.

Motion made by Councilmember Nehring; seconded by Councilmember Wright to approve consent agenda items A-I. Motion passed unanimously (7-0).

REVIEW BIDS

A. Lakewood Sewer Extension.

Motion made by Councilmember Wright; seconded by Councilmember Vaughan to award the bid for the Lakewood Sewer Extension Project to SRV Construction, Inc. in the amount of \$6,089,759.97 including Washington State Sales Tax, authorize the Mayor to sign the contract documents and approve a 5% management reserve of \$304,488.00 for a total allocation of \$6,394,247.97 for the Lakewood Sewer Extension Project. Motion passed unanimously (7-0).

20.12.090

(7) Open Space. Evaluation of all impacts and provision for open space as defined in Chapter 20.24 MMC;

(8) Public Systems Capacity. Evaluation of all impacts and provisions made for mitigation of impacts on public systems including parks, schools, and community facilities as defined in Chapter 20.24 MMC;

(9) Public Services. Evaluation of all impacts and provisions made for mitigation of impacts on public services including streets, all public utilities, fire and police protection as defined in Chapter 20.24 MMC;

(10) Floodplain. Identification of subdivisions proposed in the floodplain and compliance with requirements of this title and Ordinance No. 1339 as amended, codified in Chapter 16.32 MMC. (Ord. 1986, 1994).

20.12.090 Hearing examiner decision – Requirements.

(1) If the hearing examiner finds that appropriate provisions have been made according to MMC 20.12.080, then the hearing examiner may determine that the subdivision be approved. If the hearing examiner finds that the subdivision does not conform with the provisions of MMC 20.12.080, and the public use and interest will not be served, then the hearing examiner may disapprove the same or return the application to the applicant for modification and conditions for approval.

(2) Each decision of the hearing examiner shall be in writing and shall include findings and conclusions based on the record to support the decision. Each decision of the hearing examiner shall be rendered within 15 calendar days following conclusion of all testimony and hearings, unless a longer period is mutually agreed to by the applicant and the hearing examiner.

(3) The decision made by the hearing examiner shall be final with a right to appeal to superior court pursuant to MMC 15.11.030. (Ord. 2202 § 11, 1998; Ord. 1986, 1994).

20.12.100 Hearing examiner decision – Records.

All records of the hearing examiner’s decision concerning a preliminary subdivision shall be open to public inspection at the planning department offices. (Ord. 1986, 1994).

20.12.110 Approval of preliminary subdivision – Effect.

Approval of the preliminary subdivision shall constitute authorization for the applicant to develop the subdivision facilities and improvements as required in the approved preliminary subdivision. Development shall be in strict accordance with the plans and specifications as approved by the public works department and shall be subject to any conditions imposed by the hearing examiner and city council. (Ord. 1986, 1994).

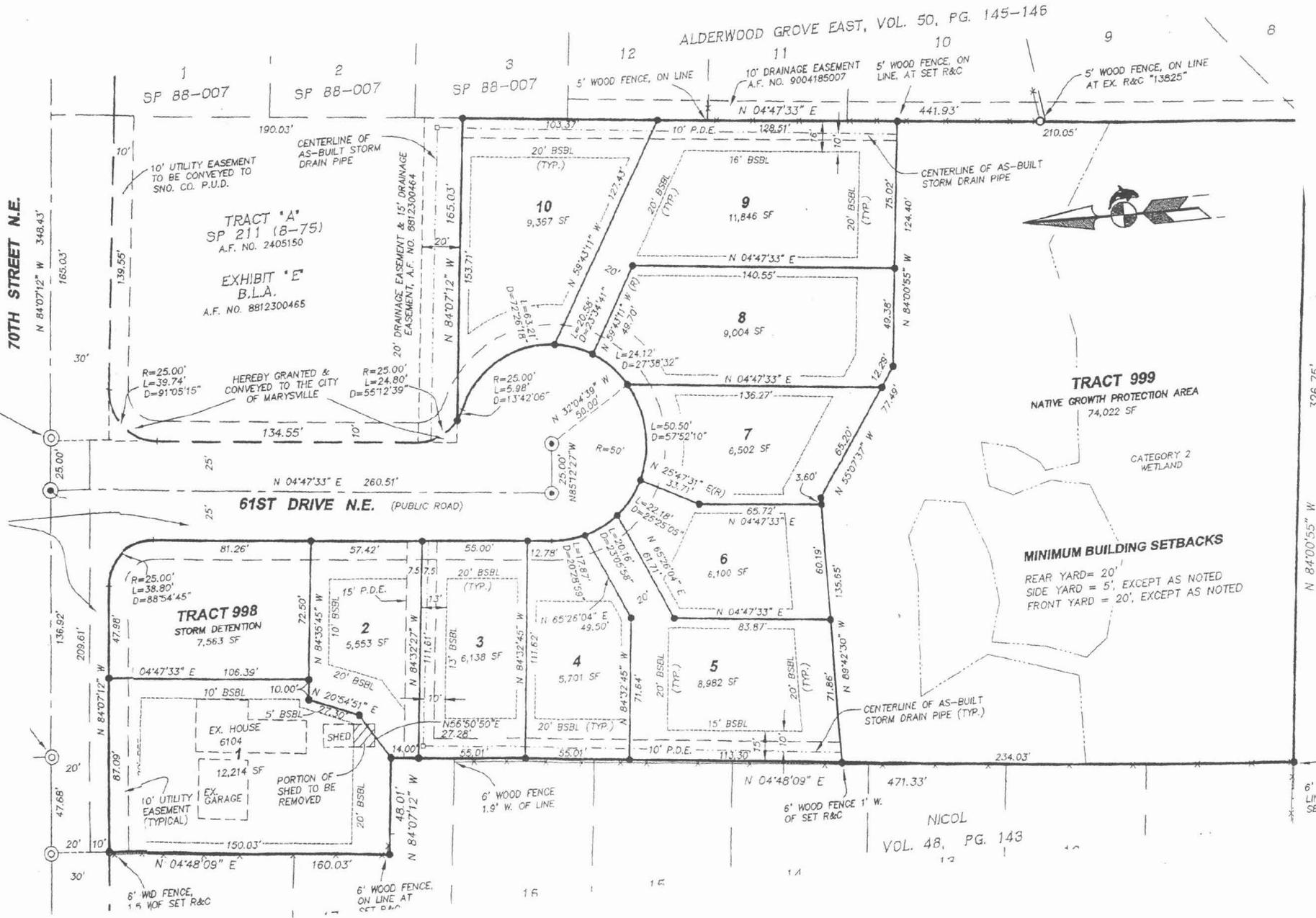
20.12.120 Limitations on approval.

Final subdivision approval must be acquired within five years of preliminary approval, after which time the preliminary subdivision approval is void. The five-year time frame shall commence from the effective date of the ordinance or resolution approving the subdivision. An extension may be granted by the city council for one year if the applicant has attempted in good faith to submit the final plat within the five-year time period; provided, however, the applicant must file a written request with the city council requesting the extension at least 30 days before expiration of the five-year period. (Ord. 2527 § 1, 2004; Ord. 2090, 1996; Ord. 1986, 1994).

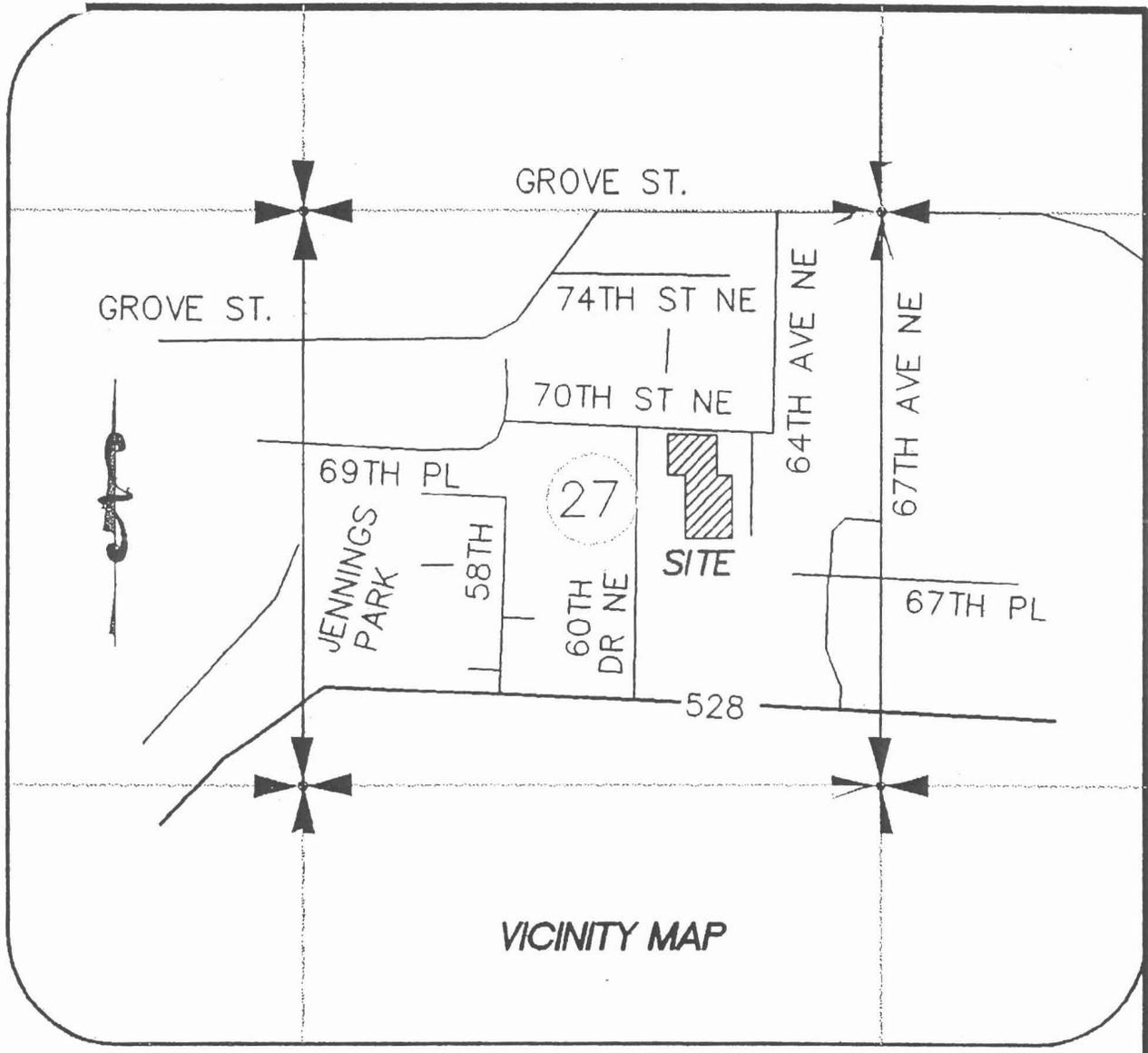
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ALDERWOOD GROVE EAST, VOL. 50, PG. 145-146

NICOL VOL. 48, PG. 143



MINIMUM BUILDING SETBACKS
 REAR YARD = 20'
 SIDE YARD = 5', EXCEPT AS NOTED
 FRONT YARD = 20', EXCEPT AS NOTED



LEGAL DESCRIPTION

THE EAST 48.00 FEET OF THE NORTH 180.00 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M.,

EXCEPT THE NORTH 20.00 FEET FOR ROAD;

TOGETHER WITH THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27;

EXCEPT THE EAST 165.00 FEET OF THE NORTH 210.00 FEET THEREOF;

AND EXCEPT THE NORTH 20.00 FEET FOR ROAD.

**CITY OF MARYSVILLE-
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: PA 05005 Kenley PRD – Final Plat	AGENDA SECTION:	
PREPARED BY: Cheryl Dungan, Senior Planner	AGENDA NUMBER:	
ATTACHMENTS: 1. Ordinance 2597 2. Hearing Examiner Decision dated 08/04/05 3. Site Plan 4. Vicinity Map 5. Legal Description 6. Final Plat Checklist	APPROVED BY: 	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

On September 12, 2005, the City Council approved Ordinance No. 2597 approving the preliminary plat of Kenley PRD and rezone from R-6.5 to PRD 6.5; creating 29 lots on approximately 8 acres.

The site is generally located east of 79th Ave NE, west of 83rd Ave NE and south of 58th Pl NE, being a portion of the NE ¼ of Section 35, Township 30N, Range 5E, WM.

The applicant has met all conditions of approval.

RECOMMENDED ACTION: Planning Staff recommends Council authorize the Mayor to sign the Final Plat Mylar.
COUNCIL ACTION:

cc: Com Alex
MRSC / Code Book
Orig. File

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. 2597

AN ORDINANCE OF THE CITY OF MARYSVILLE AFFIRMING
THE DECISION OF THE HEARING EXAMINER AND REZONING
PROPERTIES OWNED BY ALTA BRODIE AMENDING THE
OFFICIAL ZONING MAP OF THE CITY

WHEREAS, Alta Brodie owns two parcels that is approximately 8.3 acres in size located east of 79th Ave NE, north of 55th Place NE, and south of 58th Place NE, in the City of Marysville, said property being legally described in EXHIBIT A attached hereto; and

WHEREAS, Alta Brodie applied to the City of Marysville for a preliminary plat, preliminary site plan approval, lifting of the 6-year forest practice moratorium, utilization of residential density incentives, and rezone from R-6.5 to PRD 6.5 under File No. PA 05005; and

WHEREAS, the City Hearing Examiner held a public hearing on said preliminary plat, preliminary site plan approval, residential density incentives, and rezone on July 28, 2005 and adopted Findings of Fact, Conclusions and a Recommendation approving the preliminary plat, preliminary site plan, lifting of the 6-year forest practice moratorium, and utilization of residential density incentives, and rezone of Alta Brodie subject to 9 conditions; and

WHEREAS, the Marysville City Council held a public meeting on said preliminary plat, preliminary site plan, and rezone on September 12, 2005 and concurred with the Findings of Fact, Conclusions and Recommendation of the Hearing Examiner, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The Findings of Fact, Conclusions and Recommendation of the Hearing Examiner with respect to the above referenced preliminary plat, preliminary site plan approval, lifting of the 6-year forest practices moratorium, utilization of residential density incentives, and rezone are hereby approved, and the above described property is hereby rezoned from R-6.5 to PRD 6.5

Section 2. The zoning classification for the above-described property shall be perpetually conditioned upon strict compliance with each of the conditions set forth in the Recommendation of the Hearing Examiner. Violation of any of the conditions of said decision may result in reversion of the property to the previous zoning classification and/or may result in enforcement action being brought by the City.

Section 3. The official Zoning Map of the City of Marysville is hereby amended to
ORDINANCE - 1

reflect the reclassification of the above-described property.

Section 4. This decision shall be final and conclusive with the right of appeal by any aggrieved party to the Superior Court of Snohomish County by filing a Land Use Petition pursuant to the Land Use Petition Act within twenty-one (21) days after passage of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this 12th day of September, 2005.

CITY OF MARYSVILLE

By Dennis L. Kendall
DENNIS KENDALL, Mayor

ATTEST:

By Gerry Becker
GERRY BECKER, City Clerk

Approved as to form:

By Grant K. Weed
GRANT K. WEED, City Attorney

Date of Publication: 9/14/05

Effective Date (5 days after publication): 9/19/05

ORDINANCE - 2

Order No. BC - 20087233

EXHIBIT "A"

TRACTS 34 AND 39 OF SUNNY SIDE FIVE ACRE TRACTS, AS PER PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 19, RECORDS OF SNOHOMISH COUNTY AUDITOR;

EXCEPT THAT PORTION CONVEYED TO PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY BY DEED RECORDED UNDER RECORDING NO. 1884919;

SITUATE IN THE CITY OF MARYSVILLE, COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

CITY OF MARYSVILLE
Hearing Examiner
Findings, Conclusions and Recommendation

APPLICANT: Alta Brodie

CASE NO.: PA 05005

LOCATION: East of 79th Ave, north of 55th Pl. NE & south of 58th Pl. NE

APPLICATION: 29-lot preliminary site plan, preliminary plat approval, rezone to PRD 6.5, utilization of Residential Density Incentives, and lifting of the 6-year forest practices moratorium.

SUMMARY OF RECOMMENDATIONS:

Planning Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING:

After reviewing the official file, which included the Planning Staff's Advisory Report, and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the application was opened at 7:05 p.m., July 28, 2005, in the Council Chambers, Marysville, Washington, and closed at 7:09 p.m. Participants at the public hearing are listed in the minutes of the hearing. A verbatim recording of the hearing and more complete minutes are available in the Planning Department. A list of exhibits offered and entered at the hearing and a list of parties of record are attached to this report.

HEARING COMMENTS:

As noted in the minutes of the hearing, comments were offered by:

Cheryl Dungan, Senior Planner

Joe Schmidt, Omega Engineering

No one from the general public spoke at the hearing.

WRITTEN COMMENTS:

No correspondence was received from members of the general public.

FINDINGS CONCLUSIONS AND DECISION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

A. FINDINGS AND CONCLUSIONS:

1. The information contained in Sections I and II of the Planning Staff's Advisory Report (Hearing Examiner Exhibit 1A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as portion of the Hearing Examiner's findings and conclusions. A copy of said report is available in the Planning Department.
2. The minutes of the meeting accurately summarize the testimony offered at the hearing and by this reference are entered into the official record.
3. If approved as conditioned below, the development will be consistent with the comprehensive plan and will meet the requirements and intent of the Marysville Municipal Code.
4. If approved as conditioned below, the development will make adequate provisions for open space, environmentally sensitive areas, drainage streets and other public ways, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.
5. If approved as conditioned below, the development will be beneficial to the public health, safety and welfare and will be in the public interest.
6. If approved as conditioned below, the development will not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan.
7. The area, location and features of land proposed for dedication are a direct result of the development proposal are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

B. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the preliminary plat, preliminary site plan, rezone to PRD 6.5, residential density incentives and lifting of the 6-year forest practices moratorium be approved, subject to the following conditions:

1. The applicant shall submit a plan of the active recreation area to the Community Development Department for review and approval. The recreation area shall be installed per the approved plan prior to final plat approval.

2. All lots not located on a sharp corner or cul-de-sac shall meet the minimum lot width of 50' at the street frontage.
3. Prior to final plat approval, the applicant shall provide a final, detailed landscape/reforestation plan that will include, but not be limited to, the following improvements:
 - ◆ Street trees spaced 40 feet on center. These trees shall be a minimum of 1½" caliper and 6' to 8' in size at the time of planting. Tree species should be selected from the City's recommended street tree listing in the streetscape plan. Concurrently with street tree installation, the applicant shall install sod within all planter strips located within public right-of-way.
 - ◆ Yard trees at a rate of two (2) trees per lot. These trees should include at least one evergreen tree, which is a native species to the Northwest region. These trees shall be a minimum of 1¼" caliper and 6' to 8' in size for deciduous and 6' in size for evergreen.
 - ◆ Detention tract treatment

(Note: Street trees to either be installed or bonded for prior to final plat approval, yard trees to be installed prior to final home inspection for that particular lot).

4. Prior to final plat approval, the applicant will be required to submit a buffer planting plan which includes a mixture of deciduous and/or deciduous trees a minimum of 6 to 8 feet in height spaced 15 feet on center for review and approval. (MDNS #1)
5. The proposed dispersion trench shall be relocated outside the required 60' wetland buffer. (MDNS #2)
6. The applicant shall participate on a proportionate share basis towards the City's street system in the amount of \$45,165.18. Payment shall be made prior to final plat approval. (MDNS #3)
7. Wetland fencing and signage adjacent to a regulated wetland or stream corridor shall be constructed with pressure treated posts and rails, and cemented into the ground with either cedar or treated rails. Alternative materials may be used subject to approval by the City. Signs designating the presence of the environmentally sensitive area shall be posted along the buffer boundary. The signs shall be posted at a rate of 100 feet (at minimum). (MDNS #4)
8. Prior to final plat approval the applicant will be required to submit a signed offer to Snohomish County in the amount of \$8,534.05. Payment of traffic mitigation fees shall be made prior to final plat approval. (MDNS #5)
9. The applicant will be required to extend 57th Ave NE to their easterly boundary, or provide additional information to the City for review demonstrating why the extension is not feasible. (MDNS #6)

Approval of a preliminary subdivision does not guarantee the development yield depicted thereon. A preliminary plat is only "a neat and approximate drawing showing the layout of a

proposed subdivision... together with any supporting exhibits...". The yield depicted thereon may have to be reduced for final plat approval if it is found through the final plat review process that the plat as preliminarily approved cannot meet all the applicable minimum standards. Under no circumstances may the development yield be increased without prior public hearing review.

Dated this 4th day of August 2005



Ron McConnell, FAICP
Hearing Examiner

RECONSIDERATION:

A party to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the director within fourteen (14) days of the final written decision. The request shall comply with MMC 15.11.020(3). The examiner shall consider the request within seven (7) days of filing the same. The request may be decided without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue its decision. Reconsideration should be granted only when a legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

COUNCIL ACTION:

Recommendations by the Examiner on rezones or shoreline conditional use permits will constitute a final action by the City unless a timely written request for a closed record appeal is filed with the City Council within 14 days after issuance of the recommendation. In the event of a timely appeal, the City Council will conduct a closed record hearing of this case. Closed record hearings shall be on the record and no new evidence may be presented. The City Council's action will be the final action of the City.

JUDICIAL APPEAL:

- (1) Appeals from the final decision of the hearing examiner, or other city board or body involving MMC Titles 15 to 20 and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court pursuant to the Land Use Petition Act, RCW 36.70C within 21 days of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.
- (2) Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.

- (3) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of the proceedings shall be prepared by the City or such qualified person as it selects. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

EXHIBITS:

The following exhibits were offered and entered into the record:

- 1A. Staff Recommendation
 1. Affidavit of Posting, Revised MDNS
 2. Affidavit of Posting, MDNS
 3. Mitigated Determination of Non-Significance, Traffic Analysis
 4. RFR from Dave Ostergaard
 5. RFR from Snohomish County
 6. Request for Review checklist
 7. Traffic Analysis
 8. Revised Critical Areas Assessment
 9. Affidavit of Publication
 10. Affidavit of Posting
 11. Prelim. Plat map, sheet 1 of 1
 12. Application
 13. Environmental Checklist
 14. Letter from planner to 2WD, LLC, 4/19/05, re: technical review meeting.
 15. property information
 16. letter from Snohomish County Public Works, to Check Dungan, 4/11/05
 17. Affidavit of Publication, Notice of Application
 18. Neighborhood Meeting, sign in sheet
 19. letter from PUD, to Cheryl Dungan, noting sufficient electric system capacity
 20. Affidavit of Posting, Notice of Application
 21. RFR response from Police
 22. RFR response from Parks
 23. RFR response from Fire Dist.
 24. RFR response from Deryl Taylor
 25. RFR response from Lk. Stevens School Dist
 26. RFR response from Utilities Dept.
 27. RFR response from Anne Miller
 28. Request for Review Checklist, PPL
 29. Plat Certification
 30. Letter to David Downing, 4/1/05
 31. Letter to David Downing, 3/30/05
 32. Sensitive Areas Report
 33. Plans, Conceptional Clearing & grading
 34. Drainage Report

- 35. Title Report
- 36. Vicinity map
- 37. Preliminary Plat Map, reduced version
- 38. Application
- 39. Check list for Preliminary Plat & payment receipt
- 40. Letter to neighboring residents, form Cheryl Dungan, 3/22/05
- 41. Mailing list of neighboring residents

PARTIES of RECORD:

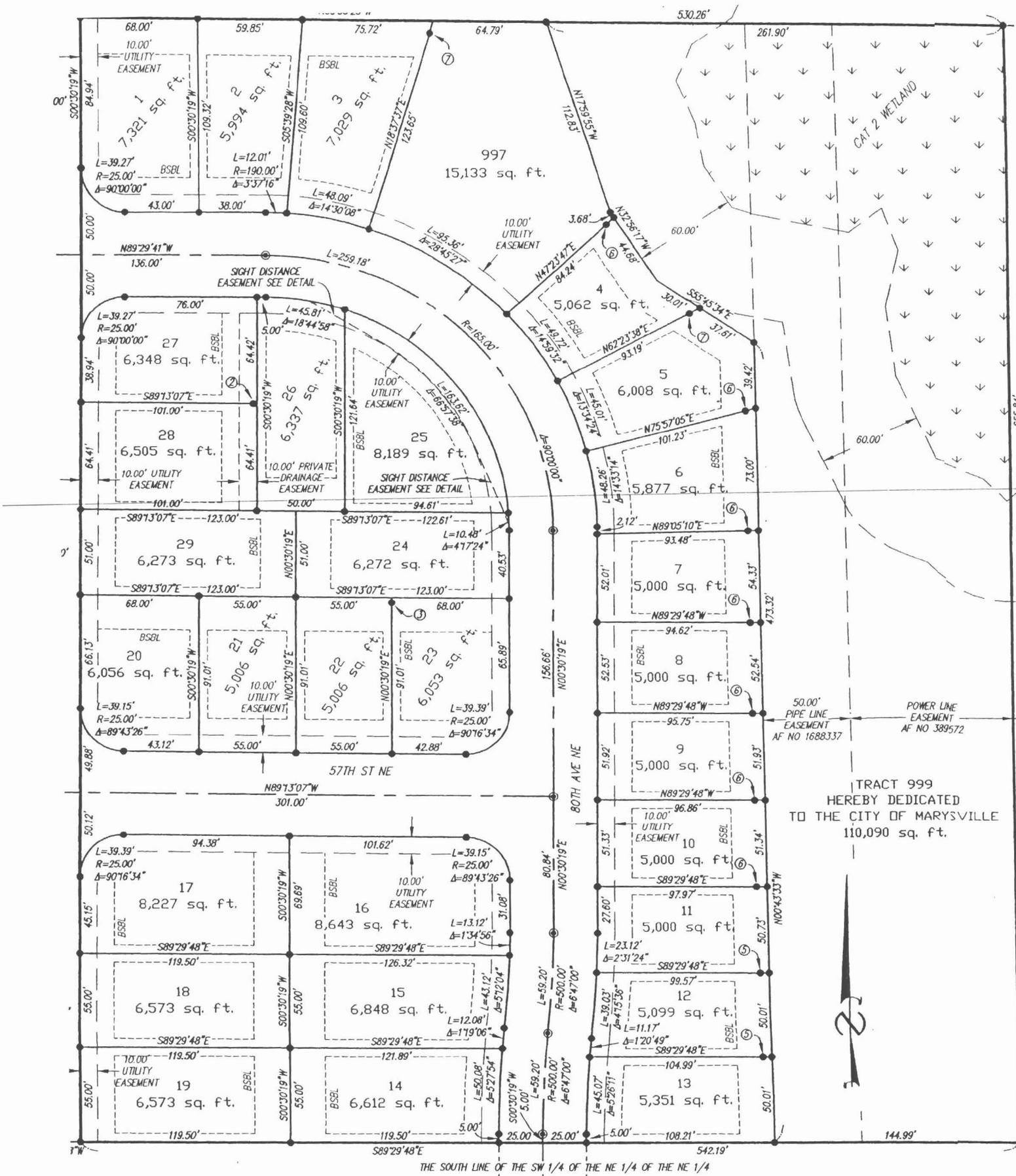
Alta Brodie
5620 83rd Ave NE
Marysville, WA 98720

2 WD, LLC
PO Box 607
Monroe, WA 98272

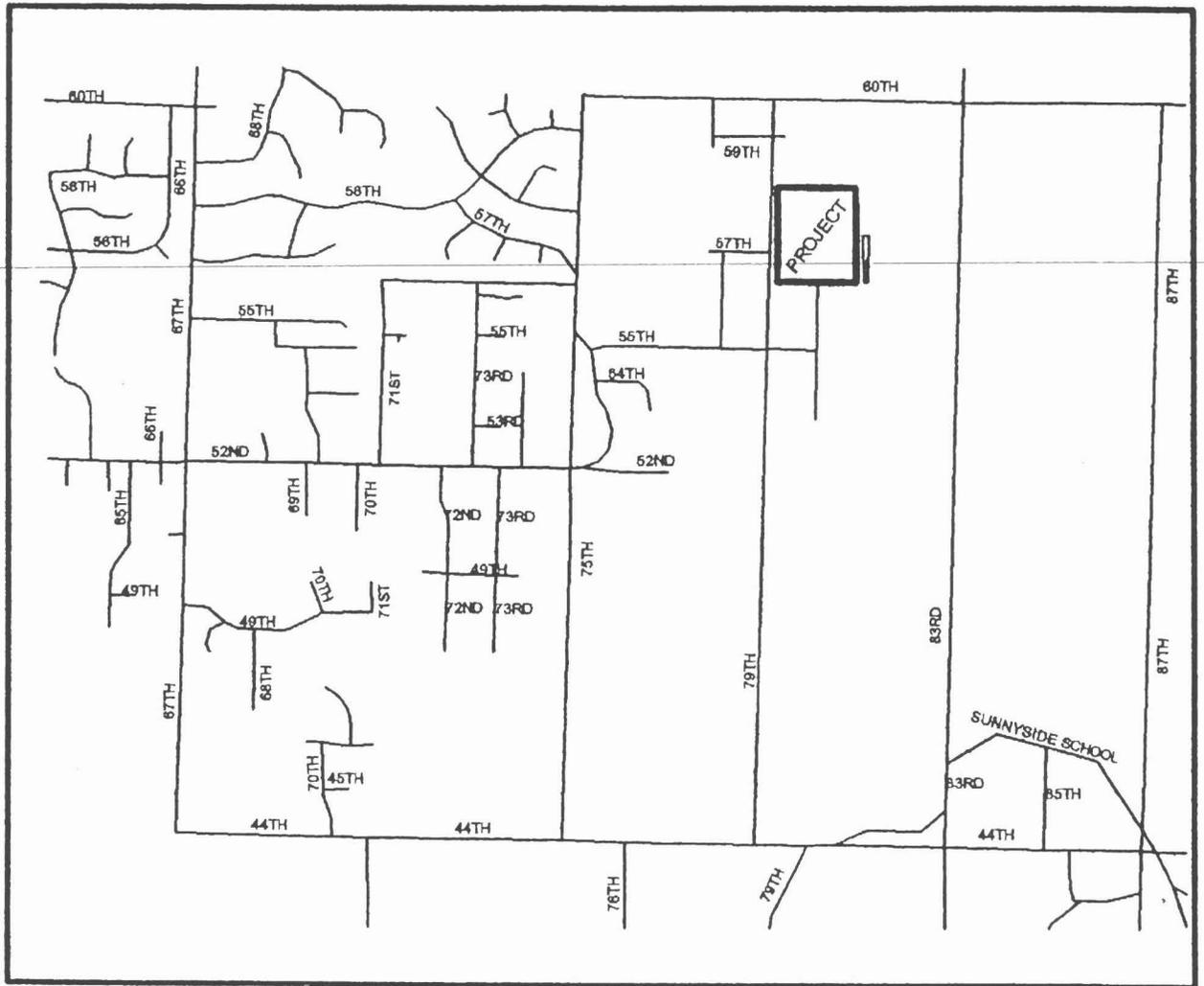
David Dowing
7229 76th St NE
Marysville, WA 98270

Joe Smeby
Omega Engineering, Inc.
2210 Hewitt Avenue, Suite 204
Everett, WA 98201

Planning Department



TRACT 999
HEREBY DEDICATED
TO THE CITY OF MARYSVILLE
110,090 sq. ft.



VICINITY MAP



LEGAL DESCRIPTION:

TRACTS 34 & 39 OF SUNNY SIDE FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 19, RECORDS OF SNOHOMISH COUNTY WASHINGTON;

EXCEPT THAT PORTION CONVEYED TO PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1884919;

SITUATE IN COUNTY OF SNOHOMISH, STATE OF WASHINGTON.



COMMUNITY DEVELOPMENT DEPARTMENT
 80 Columbia Avenue, Marysville, WA 98270
 (360) 651-5100, (360) 651-5099 FAX

FINAL PLAT CHECK LIST			
Plat Name:	KENLEY	PA #	05-005
Item	Department	Initials	Date
1. Plat Map- Checked & Approved	Land Dev.	AG	3/9/07
	Planning	CAD	3/5/07
2. Letter of Segregation to Assessor	Planning	CAD	3/5/07
3. Water System/Sewer System			
Letter of Acceptance	Const. Insp.	AS	3.05.07
Asbuilts – Including Digital Files	Const. Insp.	AS	3.05.07
Bill(s) of Sale	Const. Insp.	AS	3.05.07
Maintenance and Warranty Funding	Const. Insp.	AS	3.05.07
4. Road/Storm Sewer			
Letter of Acceptance	Const. Insp.	AS	3.05.07
Asbuilts – Including Digital Files	Const. Insp.	AS	3.05.07
Bill(s) of Sale	Const. Insp.	AS	3.05.07
Maintenance and Warranty Funding	Const. Insp.	AS	3.05.07
5. Performance Bond – Submitted/Approved			
(If Required - Road and Storm Drain Only)	Const. Insp.	AS	3.05.07
6. Inspection Fees - Calculated and Paid	Const. Insp.	AS	3.05.07
7. Final Plat Fee - Calculated and Paid	Planning	CAD	11/14/06
8. TIP Fees: City 45,165.18 County 8,534.05	Planning	CAD	3/2/07

9. Parks Mitigation Fees: _____	Planning	Prior to Bldg permit	CAD 3/9/07
10. School District Mitigation Fees: _____	Planning	Prior to Bldg permit	CAD 3/9/07
11. Signage and Striping Installed	Const. Insp.	(S)	3.05.07
12. Final Grading and TESC Inspection	Const. Insp.	(S)	1.02.07
13. Satisfied Hearing Examiner's Conditions of Approval	Planning	CAD	3/9/07
14. Utility/Recovery/Main Fees	Land Dev.	DJ	3/9/07
Plat Approved for Recording:			
Community Development Director: <i>Jim Strashine</i>			
Date: _____			
City Engineer: _____			
Date: _____			
Note: The final plat will not be scheduled before the City Council until this checklist is complete.			

**CITY OF MARYSVILLE
EXECUTIVE SUMMARY FOR ACTION**

City Council Meeting Date: March 26, 2007

AGENDA ITEM: Stillaguamish Water Treatment Plant Improvements – Tracer Study of Stilly WTP 200,000 gallon Clearwell	AGENDA SECTION: New Item	
PREPARED BY: Patrick Gruenhagen, P.E., Project Manager	AGENDA NUMBER:	
ATTACHMENTS: 1. Professional Services Agreement with MWH Americas, Inc. 2. WAC 246-290-636 (“Determination of Disinfectant Contact Time”)	APPROVED BY: 	
	MAYOR	
BUDGET CODE: 40100034.560000, Project No. W-0003	AMOUNT: \$25,870.00	

On January 25 of this year, the Department of Health issued its approval of the project, acknowledging the project as complete, and providing the City with authorization for the Plant to be placed into “*full service and operation.*” In conjunction with this approval, DOH confirmed that the City has “substantially met” the terms of its bilateral compliance agreement with DOH — thus marking another milestone for the project and the City. (arising from the fact that the City’s Stillaguamish source had previously been deemed by DOH to be groundwater “under the influence of surface water”).

As a condition of its approval, and in accordance with WAC 246-290-636 (attached), DOH has stipulated that the City must conduct a tracer study of the Plant’s 200,000 gallon clearwell — to verify chlorine contact efficiency. It is for this reason that the current Council action is being requested — to consider granting approval for the City to enter into the attached Professional Services Agreement with MWH Americas (*the Plant designer*). If approved, this PSA will put in place the framework by which the tracer study can be initiated, advanced, and completed. Based on recent discussions with DOH, the City has been given until mid-May to complete this work and issue a final report — a deadline which staff anticipates can be readily-met.

RECOMMENDED ACTION: Staff recommends that the Council authorize the Mayor to sign the Professional Services Agreement with MWH Americas, Inc., in the amount of \$25,870.00.
COUNCIL ACTION:

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF MARYSVILLE
AND MWH Americas, Inc.
FOR ENGINEERING SERVICES**

THIS AGREEMENT, made and entered into in Snohomish County, Washington, by and between CITY OF MARYSVILLE, hereinafter called the "City," and MWH Americas, Inc., a California corporation, hereinafter called the "Consultant."

COPY

WHEREAS, the Consultant has represented, and by entering into this Agreement now represents, that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this agreement are fully qualified and properly licensed to perform the work to which they will be assigned.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained hereinbelow, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this agreement is to provide the City with engineering services to plan, conduct, and report on a "tracer study" for the Stillaguamish Water Treatment Plant 200,000 gallon clear-well, as described in Article II. The general terms and conditions of relationships between the City and the Consultant are specified in this agreement.

ARTICLE II. SCOPE OF WORK

The scope of work is set out in the attached Exhibit A and hereinafter referred to as the "scope of services." All services and materials necessary to accomplish the tasks outlined in **Exhibit A** shall be provided by the Consultant unless noted

otherwise in the scope of services or this agreement.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III.1 **MINOR CHANGES IN SCOPE.** The Consultant shall accept minor changes, amendments, or revision in the detail of the work as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the scope of work in the scope of services. Such work will be considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

III.2 **WORK PRODUCT AND DOCUMENTS.** The work product and all documents listed in the scope of services shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

In the event that the Consultant shall default on this agreement or in the event that this contract shall be terminated prior to its completion as herein provided, all work product of the Consultant, along with a summary of work done to date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this contract. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of these documents or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

III.3 **TIME OF PERFORMANCE.** The Consultant shall be authorized to begin work under the terms of this agreement upon signing of both the scope of services and this agreement and shall complete by **May 31, 2007**, unless a mutual written agreement is signed to change the schedule. An extension of the time for completion may be given by the City due to conditions

not expected or anticipated at the time of execution of this agreement.

III.4 **NONASSIGNABLE.** The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 **EMPLOYMENT.** Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

III.6 **INDEMNITY.**

a. The Consultant will at all times indemnify and hold harmless and defend the City, its elected officials, officers, employees, agents and representatives, from and against any and all lawsuits, damages, costs, charges, expenses, judgments and liabilities, including attorney's fees (including attorney's fees in establishing indemnification), collectively referred to herein as "losses" resulting from, arising out of, or related to one or more claims arising out of negligent acts, errors, or omissions of the Consultant in performance of Consultant's professional services under this agreement. The term "claims" as used herein shall mean all claims, lawsuits, causes of action, and other legal actions and proceedings of whatsoever nature, involving bodily or personal injury or death of any person or damage to any property including, but not limited to, persons employed by the City, the Consultant or other person and all property owned or claimed by the City, the Consultant, or affiliate of the Consultant, or any other person.

b. Should a court of competent jurisdiction determine that this agreement is subject to RCW 4.24.115, then, in the event of liability for damaging arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its members, officers, employees and agents, the Consultant's liability to the City, by way of indemnification, shall be only to the extent of the Consultant's negligence.

c. The provisions of this section shall survive the

expiration or termination of this agreement.

III.7 **INSURANCE.**

a. **Minimum Limits of Insurance.** The Consultant shall, before commencing work under this agreement, file with the City certificates of insurance coverage to be kept in force continuously during this agreement, and during all work performed pursuant to all short form agreements, in a form acceptable to the City. Said certificates shall name the City as an additional named insured with respect to all coverages except professional liability insurance. The minimum insurance requirements shall be as follows:

(1) Commercial General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; damage, \$2,000,000 general aggregate;

(2) Automobile Liability. \$300,000 combined single limit per accident for bodily injury and property damage;

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington;

(4) Consultant's Errors and Omissions Liability. \$1,000,000 per occurrence and as an annual aggregate.

b. **Endorsement.** Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

c. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with a Bests rating of no less than A:VII, or if not rated by Bests, with minimum surpluses the equivalent of Bests' VII rating.

d. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current.

III.8 **DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION.** The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, age or handicap except for a bona fide occupational

qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 **UNFAIR EMPLOYMENT PRACTICES.** During the performance of this agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 **AFFIRMATIVE ACTION.** Affirmative action shall be implemented by the Consultant to ensure that applicants for employment and all employees are treated without regard to race, creed, color, sex, age, marital status, national origin or the presence of any sensory, mental or physical handicap, unless based on a bona fide occupational qualification. The Consultant agrees to take affirmative action to ensure that all of its employees and agent adhere to this provision.

III.11 **LEGAL RELATIONS.** The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this agreement. This contract shall be interpreted and construed in accordance with the laws of Washington. Venue for any action commenced relating to the interpretation, breach or enforcement of this agreement shall be in Snohomish County Superior Court.

III.12 **INDEPENDENT CONTRACTOR.** The Consultant's relation to the City shall at all times be as an independent contractor.

III.13 **CONFLICTS OF INTEREST.** While this is a non-exclusive agreement the Consultant agrees to and will notify the City of any potential conflicts of interest in Consultant's client base and will seek and obtain written permission from the City prior to providing services to third parties where a conflict of interest is apparent. If a conflict is irreconcilable, the City reserves the right to terminate this agreement.

III.14 **CITY CONFIDENCES.** The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

ARTICLE IV. OBLIGATIONS OF THE CITY

IV.1 **PAYMENTS.** The Consultant shall be paid by the City for completed work for services rendered under this agreement and as detailed in the scope of services as provided hereinafter. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. Payment shall be on a time and expense basis, provided, however, in no event shall total payment under this agreement exceed **\$25,870.00**. In the event the City elects to expand the scope of services from that set forth in **Exhibit A**, the City shall pay Consultant an additional amount based on a time and expense basis, based upon Consultant's current schedule of hourly rates.

a. Invoices shall be submitted by the Consultant to the City for payment pursuant to the terms of the scope of services. The invoice will state the time expended, the hourly rate, a detailed description of the work performed, and the expenses incurred during the preceding month. Invoices must be submitted by the 20th day of the month to be paid by the 15th day of the next calendar month.

b. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IV.2 **CITY APPROVAL.** Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this contract must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the scope of work and City requirements.

ARTICLE V. GENERAL

V.1 **NOTICES.** Notices to the City shall be sent to the following address:

CITY OF MARYSVILLE
C/O Patrick Gruenhagen, P.E.
80 Columbia Avenue
MARYSVILLE, WA 98270

Notices to the Consultant shall be sent to the following address:

MWH Americas, Inc.
C/O Gregory S. Harris, P.E
2353 130th Avenue NE, Suite 200
Bellevue, WA 98005

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 **TERMINATION.** The right is reserved by the City to terminate this agreement in whole or in part at any time upon ten (10) days' written notice to the Consultant.

If this agreement is terminated in its entirety by the City for its convenience, a final payment shall be made to the Consultant which, when added to any payments previously made, shall total the actual costs plus the same percentage of the fixed fee as the work completed at the time of termination applied to the total work required for the project.

V.3 **DISPUTES.** The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this contract may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 **NONWAIVER.** Waiver by the City of any provision of this agreement or any time limitation provided for in this agreement shall not constitute a waiver of any other provision.

DATED this _____ day of March, 2007.

CITY OF MARYSVILLE

By _____

MWH Americas, Inc., CONSULTANT

By *M.P. Brown*

Approved as to form:

GRANT K. WEED, City Attorney

EXHIBIT A**STILLIGUAMISH RIVER WTP CLEARWELL TRACER STUDY****SCOPE OF SERVICES**

This Scope of Work describes the professional services associated with the Water Quality Support Project to be provided by MWH Americas, Inc. (Consultant) for the City of Marysville, WA (City). The services involve conducting a tracer study to determine the actual disinfectant contact time with the Stilliguamish River Water Treatment Plant clearwell and preparation of an annual report documenting compliance with the Surface Water Treatment Rule (SWTR) requirements at Edward Springs for 2006. Based on MWH Americas, Inc.'s present knowledge of the Services described herein, it is recommended that \$25,870 be budgeted for the Project, as described in Exhibit A-1. The task and subtask completion dates are based upon receipt of a Notice-to-Proceed by March 27, 2006.

TASK 1 – PROJECT MANAGEMENT

Manage all in-house work including setup of files, monitoring budgets, schedule, personnel assignments, and processing of invoices, as further described below:

- A. Project Management/Project Controls.** Set up the internal job numbers, files, and internal systems necessary to control the activities of all work for the project. Review and monitor project schedule and budget on a regular monthly basis, including management of in-house activities. Allocate resources and make adjustments as necessary to meet project objectives. Prepare project schedule updates monthly as necessary to reflect the progress of the work and changes to the schedule. It is estimated that the Consultant's activities will continue for up to 3 months, from March 2007 to May 2007.
- B. Health and Safety Plan.** Prepare a project-specific supplement to MWH's Health and Safety Plan to identify and address potential hazards during the Tracer Study activities. The Health and Safety Plan is prepared for internal use by the Consultant but a copy will be provided to the City at the City's request.
- C. Status Reports/Invoices.** Prepare up to three monthly status reports and invoices for the City. Status reports will provide a brief summary of the work accomplished in the previous period, current budget status, and any special issues to be resolved or coordinated with the City.

TASK 2 – TRACER STUDY

Consultant will conduct a tracer study on the Stilliguamish River Water Treatment Plant (WTP) clearwell. The tracer study will determine the T_{10}/T value achieved for the system. This T_{10}/T can then be used by the City in its daily CT calculations to determine the level of pathogen inactivation achieved. It is assumed that the Department of Health (DOH) will allow the City to establish a T_{10}/T value for this reservoir based on the results of four tracer tests at different flowrates, in accordance with the State's 1995 Surface Water Treatment Rule *Guidance Manual*.

- A. Develop tracer study plan.** Prepare a tracer study plan that will be executed during the actual study. The tracer study plan will be based on study plans previously used successfully by MWH, customized for this project. It will include the method for conducting the study, identify the

Scope of Services

Clearwell Tracer Study

appropriate tracer chemical, and identify the target flow rates and reservoir water surface elevations to be maintained. Consultant will meet once with City staff prior to finalizing the plan and resolve any logistical issues. At this meeting, City and Consultant Project Manager will review the tracer study procedures and finalize the reservoir operational conditions. The tracer study plan will be submitted to DOH for its review and approval in accordance with WAC 246-290-636. It is assumed that after plan submittal to the City, only minor modifications will be required based on City and DOH comments.

- B. Conduct tracer test.** The tracer study will be conducted jointly by City and Consultant staff according to the tracer study plan approved by DOH under paragraph 2.1.A above. It is assumed that City staff will be responsible for WTP operation and for controlling flow rates and water surface level in the reservoir to maintain targeted operational conditions for the test. MWH staff will perform sample collection. Sample analysis will be arranged and paid for by the City. For budgeting purposes, MWH has assumed the use of lithium chloride as the tracer chemical. Additional support for reagents, sample analysis, and equipment may be provided by MWH Laboratories and MWH's Applied Research Department. Equipment rental, if any, will be billed at a daily charge rate. It is assumed that a three-day testing period can begin by April 13, 2007, and that the operational conditions defined in the tracer study plan will be strictly adhered to during each test period. Should the operational conditions change significantly during the tracer test, the test will be terminated and repeated at a later date after authorization of additional time and budget. Any excess reagent will become the property of the City for use in future studies or proper disposal.
- C. Prepare Tracer Study Technical Memorandum.** Consultant will prepare a brief technical memorandum that analyzes and summarizes the results of the tracer tests. The analysis will identify the T_{10} , T_{50} , and the ratio of T_{10} to average hydraulic retention time in the clearwell at each flowrate and reservoir level. A revised CT formula will be developed and presented within the technical memorandum. The memorandum is anticipated to be approximately twelve pages in length, plus appendices. Budget for this activity does not include analysis of significant deviations from testing plan. A draft memorandum will be provided to the City by April 30, 2007 for review and comment. A final memorandum incorporating the City's comments will be prepared and submitted to the City and to DOH by May 4, 2007. Six hours have been allocated to respond to DOH comments or requests for clarification following delivery of final report.
- D. QA/QC Review.** Senior technical staff will review the Tracer Study Plan (Task 2.1A), and Tracer Study Technical Memorandum (Task 2.1C).

Exhibit A-1

Water Quality Support Project

3/7/2007

SUMMARY OF ESTIMATED PROJECT COSTS

TASK	Individual/Classification	Principal Engineer	Project Manager	Project Engineer	QA/QC Reviewer	Associate Engineer	Senior Admin.	Admin	Total Hours	Salary Cost	Total ODC's w/ Markups	APC (\$9.29/hr)	Total Cost
	Hourly Rate	Harris \$178	Graham \$148	McAlpin \$129	Various \$148	Whitbeck \$96	\$101	\$82					
<u>TASK 1 - PROJECT MANAGEMENT</u>													
A - Project Setup and Controls		1	6				4	2	13	\$1,634	\$0	\$121	\$1,755
B - Health and Safety Plan					1	4			5	\$532	\$0	\$46	\$578
C - Status Reports/Invoices			4				6		10	\$1,198	\$0	\$93	\$1,291
<u>TASK 1 SUBTOTAL</u>		1	10	0	1	4	10	2	28	\$3,364	\$0	\$260	\$3,624
<u>TASK 2 - TRACER STUDY</u>													
A - Develop Tracer Study Plan			6	8		12		2	28	\$3,236	\$43	\$260	\$3,539
B - Conduct Tracer Test			8	16		48			72	\$7,856	\$408	\$669	\$8,933
C - Prepare Tracer Study TM		1	8	24		24		2	59	\$6,926	\$98	\$548	\$7,572
D - QA/QC Review			2		12				14	\$2,072	\$0	\$130	\$2,202
<u>TASK 2 SUBTOTAL</u>			24	48	12	84	0	4	173	\$20,090	\$549	\$1,607	\$22,246
PROJECT TOTALS		2	34	48	13	88	10	6	201	\$23,454	\$549	\$1,867	\$25,870

Attachment B

MWH Americas Municipal Operations - Pacific Northwest SCHEDULE OF HOURLY RATES FOR ENGINEERING FEES * March 2007

Senior Company Officer	\$ 200 per hour
Principal Professional	\$ 178 per hour
Supervising Professional	\$ 148 per hour
Senior Professional	\$ 129 per hour
Professional	\$ 108 per hour
Associate Professional	\$ 96 per hour
Assistant Professional	\$ 80 per hour
Senior Designer	\$ 125 per hour
Designer	\$ 120 per hour
Associate Designer	\$ 93 per hour
Senior Resident Engineer	\$ 132 per hour
Resident Engineer-Inspector	\$ 126 per hour
Senior Administrator	\$ 101 per hour
Administrator	\$ 82 per hour
Clerk	\$ 56 per hour
Associated Project Costs (APC)	\$9.29 per labor hour
APC is added to each hour of MWH labor to cover costs of telecommunications, postage, computers, incidental photocopying and related equipment	
CAD expenses	\$16.53 per CAD hour
Mileage (billed at the Federal mileage rate)	\$0.48 per mile

ODCs and Outside Services. Other non-salary expenses directly attributable to the project such as outside services; reproduction, printing and binding; and other direct costs will be charged at actual cost plus 10% service charge to cover overhead and administration

* Rates are valid through February 28, 2008. Thereafter, the rates will be increased.

WAC 246-290-636**Determination of disinfectant contact time (T).**

- (1) The purveyor shall calculate T at peak hourly flow for each surface or GWI source.
- (2) For pipelines, the purveyor shall calculate T by dividing the internal volume of the pipe by the peak hourly flow rate through that pipe.
- (3) For all other system components used for inactivation of *Giardia lamblia* cysts, viruses, and other microorganisms of public health concern, the purveyor shall use tracer studies or empirical methods to determine T.
- (4) The purveyor shall use the T10 value determined by tracer studies or other methods acceptable to the department as T in all CT calculations.
- (5) Tracer studies.
 - (a) The purveyor shall conduct field tracer studies on all system components with configurations (geometry and/or baffling) for which analogous contact times are not documented.
 - (b) Before conducting tracer studies, the purveyor shall obtain the department's approval of a tracer study plan. The plan shall identify at a minimum:
 - (i) How the purveyor will conduct the study;
 - (ii) The tracer material to be used;
 - (iii) Flow rates to be used; and
 - (iv) The names, titles, and qualifications of the persons conducting the study.
 - (c) A professional engineer registered in the state of Washington shall direct the conduct of all tracer studies.
 - (d) Tracer studies shall be conducted in accordance with good engineering practices using methods acceptable to the department such as those described in department guidance on surface water treatment.
 - (e) The department may require the purveyor to conduct additional tracer studies when:
 - (i) Modifications impacting flow distribution or T are made; or
 - (ii) Increases in flow exceed the conditions of the previous tracer studies.
- (6) Empirical methods.
 - (a) Empirical methods may be used to calculate T10, if the purveyor demonstrates to the department's satisfaction that system components have configurations analogous to components on which tracer studies have been conducted and results have been documented.
 - (b) The purveyor shall submit to the department for review and approval engineering justification for determining T10 using empirical methods. As-built drawings of system components in their current configurations shall be submitted with the engineering justification.
 - (c) A professional engineer registered in the state of Washington shall prepare the engineering justification for determining T10 using empirical methods.

[Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-636, filed 3/9/99, effective 4/9/99.
 Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-636, filed 3/25/93, effective 4/25/93.]

**CITY OF MARYSVILLE
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING: March 26, 2007

AGENDA ITEM: Neptune ProRead Register Potted to Single Port Meter Transmitting Units (MTU's)	AGENDA SECTION:	
PREPARED BY: Larry Larson, Public Works Superintendent 	AGENDA NUMBER:	
ATTACHMENTS: <ol style="list-style-type: none"> 1) Neptune Water Metering Schedule "B" Pricing Schedule of Water Meters and Meter Transmitter Unit (MTU) Contract. 2) Badger Meter e-mail – Response to enquiry on their Bid (Note: Badger did not meet specifications of the water meter contract by being unable to supply Neptune registers potted to transmitting unit). 3) Bid Tabulation (Schedule B) 	APPROVED BY: 	
	MAYOR	CAO 
BUDGET CODE: 40220594.563000 --- Project Code: W0607	AMOUNT: Budgeted in 2007: \$35,000	

SUMMARY STATEMENT

The City received sealed bids from AMCO, Neptune and Badger for water meters and MTU connection services. These new meters are to be potted to the MTU's purchased under the Hexagram contract. Council awarded Schedule "A" to AMCO on January 28, 2007. These meters (including potting) have been received and are currently being installed.

Schedule "B" of these contract called for 700 Neptune ProRead registered to be potted to the single port MTU's. AMCO did not bid Schedule "B" and Badger submitted a price for potting only (no Neptune registers). Therefore, the only responsive bid on Schedule "B" was from Neptune for \$35,000.

A large percent of our existing meters are Neptune meters and are in good condition (less than 10 years old). Schedule "B" will allow us to exchange registers only to convert to the AMR system versus replacing the entire meter saving about \$30.00/installation.

RECOMMENDED ACTION:

Public Works staff recommends council acceptance of the Neptune bid for \$35,000 plus sales tax.

COUNCIL ACTION:

NEPTUNE

Schedule A Total	\$226,145.40
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OPTIONAL E-CODER SOLID STATE ENCODER REGISTER, ADD \$15.00 PER METER

5.3 Schedule B: Neptune Encoder Register potted to Single Port MTU.

RFP REF. #	DESCRIPTION	QTY	PRICE EACH	PRICE EXTENDED
NESPMTU	Neptune ProRead register Potted to Single Port MTU	700	\$50.00	\$35,000.00

5.4 Proposal Questionnaire: The following are statements of understanding regarding this RFP. Please check either *Yes* or *NO* to indicate your firms willingness to participate in and your firms understanding of the City of Marysville's requirements. Any questions or concerns with the specifications in this RFP must be directed to Mr. Terry Hawley at the City of Marysville prior to proposal submittal. This form must be included with your proposal.

Either Yes or No Must be checked for each question

Question	Yes	No
1. Is your meter in compliance with our specifications?	X	
2. Is your register in compliance with our specifications?	X	
3. Are you willing to perform MTU potting per Hexagram specifications?	X	
4. Is the potting service included in your pricing?	X	
5. Do you understand and are you willing to ship Meters and MTUs per the configurations indicated in this RFP?	X	
6. Are you willing to receive and store MTUs for this project?	X	
7. All prices quoted include shipment to Marysville, WA?	X	
8. Will you hold pricing for this proposal until 12/31/07?	X	
9. Are you willing to extend a mutually agreed upon annual contract, for a period of up to 5 additional yrs?	X	

The undersigned has reviewed and fully understands and agrees to the provisions, specifications and answers provided in this proposal.

Authorized Company Signature;

LAWRENCE M. RUSSO, VP, FINANCE

(Printed Name)

From: "Szafranski, Theresa" <tszafranski@badgermeter.com>
To: "Terry Hawley" <THawley@ci.marysville.wa.us>, "Bids" <Bids@badgermeter.com>
Date: 2/27/2007 7:56:28 AM
Subject: RE: City of Marysville, WA meter bid- dated December 1, 2006

Terry,

I apologize for the delay in responding to your inquiry.

Badger Meter bid \$32.00 to do the potting only, the City is to provide the registers.

Theresa Szafranski
Phone: 800-876-3837 Ext. 5896
414-371-5896
Fax: 414-371-5981
tszafranski@badgermeter.com

BADGER METER, INC.
4545 W. Brown Deer Rd.
Milwaukee, WI 53223

**BID TABULATION
WATER METERS AND METER TRANSMITTER UNIT (MTU)
CONNECTION SERVICES**

SCHEDULE A

Item	Description	Qty	AMCO		NEPTUNE		BADGER	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1)	5/8"x3/4" water meter, encoder register with bare wire	380	\$56.00	\$21,280	\$70.84	\$26,919.20	\$70.00	\$26,600
2)	5/8"x3/4" water meter, encoder register potted to single to single port MTU	1,000	\$56.00	\$56,000	\$70.84	\$70,840	\$92.00	\$92,000
3)	5/8"x3/4" water meter, encoder register potted to dual port MTU	500	\$56.00	\$28,000	\$70.84	\$35,420	\$89.00	\$44,500
4)	Two (2) 5/8"x3/4" water meters, encoder register potted to dual port MTU	500 sets	\$56.00 ⁽¹⁾	\$56,000	\$141.97	\$70,985	\$165.00	\$82,500
5)	3/4" water meter, encoder register potted to single port MTU	40	\$70.00	\$2,800	\$101.77	\$4,070.80	\$113.00	\$4,520
6)	1" water meter, encoder register potted to single port MTU	40	\$105.00	\$4,200	\$138.88	\$5,555.20	\$142.00	\$5,680
7)	1.5" water meter, encoder register potted to single port MTU	20	\$245.00	\$4,900	\$258.88	\$5,177.60	\$252.00	\$5,040
8)	2" water meter, encoder register potted to single port MTU	20	\$320.00	<u>\$6,400</u>	\$358.88	<u>\$7,177.60</u>	\$347.00	<u>\$6,940</u>
SCHEDULE A TOTALS:				\$179,580		\$226,145.40		\$267,780

SCHEDULE B

1)	Neptune ProRead Register Potted to Single Port MTU	700	(No Bid)		\$50.00	\$35,000	\$32,000*	\$22,400*
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* Error in Unit/Total Price – Quoted Price for Potting Only (Did Not Include Cost of Neptune Register – See Attached E-mail)

Revised

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: Contract Award: Mill Site Demolition Project at 60 State Street	AGENDA SECTION: Contract Award	
PREPARED BY: Ryan Morrison, Engineering Aide	AGENDA NUMBER:	
ATTACHMENTS: Project Location	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE: 40143780.598100	AMOUNT: \$68,129.75	

On March 8, 2007 bids were opened for the Mill Site Demolition Project. Four bids were received with a low bid of \$51,537.50 to a high bid of \$113,925.00. The low bidder was GW Enterprises, however, their bid is considered non-responsive due to the absence of a bid bond and that it was not a sealed bid. Staff recommends that the project contract be awarded to the next lowest bidder, 3 Kings Environmental located in Battle Ground, WA, with a bid of \$61,936.14.

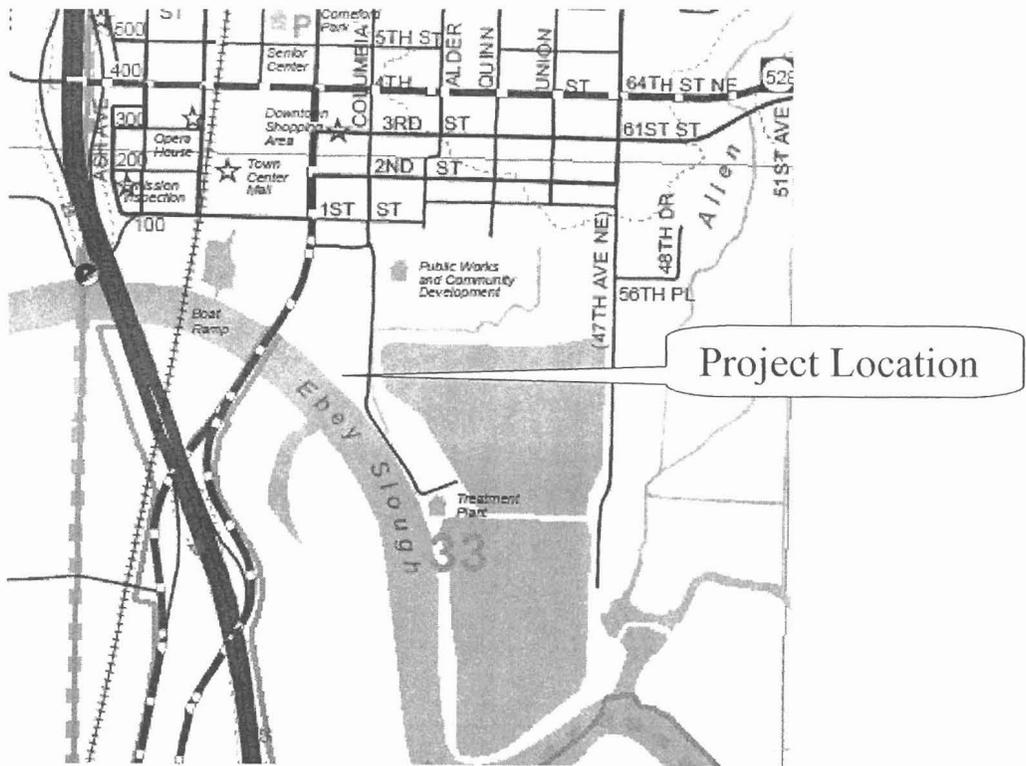
<u>Budget:</u>	<u>\$90,000.00</u>
Contract Bid (Includes Sales Tax):	\$61,936.14
Bid Reserve (10%):	<u>\$6,193.61</u>
Total:	\$68,129.75

RECOMMENDED ACTION:

Public Works Staff recommends the City Council authorize the Mayor to award the bid for the Mill Site Demolition project to 3 KINGS ENVIRONMENTAL in the amount of \$61,936.14 including Washington State Sales Tax and approve a management reserve of \$6,193.61 for a total allocation of \$68,129.75.

COUNCIL ACTION:

Mill Site Project Location



CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: **March 26, 2007**

AGENDA ITEM: Contract Award: Delta Avenue Sewer Replacement Project	AGENDA SECTION: Contract Award
PREPARED BY: David Zull, Project Manager 	AGENDA NUMBER:
ATTACHMENTS: Certified Bid Tabulation Location Map	APPROVED BY:  MAYOR
	CAO 
BUDGET CODE: 40230594.563000 S0602	AMOUNT: \$418,341.48

On March 8, 2007, bids were opened for the Delta Avenue Sewer Replacement project . Six (6) bids were received with a low of \$398,341.48 to a high of \$762,326.97. The Engineer's estimate was \$477,493.31. The low bidder was Marshbank Construction, Inc. located in Lake Stevens. References have been checked and found to be satisfactory. Therefore, staff recommends that the project contract be awarded to Marshbank Construction, Inc.

<u>Budget:</u>	\$ 580,000.00
Contract Bid (Includes Sales Tax):	\$ 398,341.48
Management Reserve:	\$ 20,000.00
Total:	\$ 418,341.48

RECOMMENDED ACTION:

Public Works Staff recommends the City Council authorize the Mayor to award the bid for the Delta Avenue Sewer Replacement project to Marshbank Construction, Inc. in the amount of \$398,341.48 including Washington State Sales Tax, and approve a management reserve of \$20,000.00 for a total allocation of \$418,341.48.

COUNCIL ACTION:

BID TABULATION

DELTA AVENUE SEWER REPLACEMENT PROJECT

BID OPENING: March 8 at 10:00 am

Prepared by: David L Zull, PE
Date: March 8, 2007

Engineer's Estimate Marshbank Constr Thomco Const. Interwest Const. SRV Const

Item	Description	Quantity	Units	Unit Prices	Total Price	Unit Price	Total Price						
1	Mobilization	1	LS	\$39,099.00	\$39,099.00	\$35,000.00	\$35,000.00	\$30,000.00	\$30,000.00	\$36,000.00	\$36,000.00	\$22,000.00	\$22,000.00
2	Temp. Traffic Control	1	LS	\$2,250.00	\$2,250.00	\$5,500.00	\$5,500.00	\$7,500.00	\$7,500.00	\$10,000.00	\$10,000.00	\$3,450.00	\$3,450.00
3	Flagger and Spotters	1	LS	\$14,000.00	\$14,000.00	\$45,500.00	\$45,500.00	\$20,000.00	\$20,000.00	\$45,000.00	\$45,000.00	\$15,700.00	\$15,700.00
4	Removal of Structures & Obstructions	1	LS	\$11,000.00	\$11,000.00	\$7,000.00	\$7,000.00	\$6,500.00	\$6,500.00	\$7,500.00	\$7,500.00	\$16,000.00	\$16,000.00
5	Trench Safety Systems	1699	LF	\$3.00	\$5,097.00	\$2.00	\$3,398.00	\$5.00	\$8,495.00	\$2.00	\$3,398.00	\$0.01	\$16.99
6	Controlled Density Fill	65	CY	\$85.00	\$5,525.00	\$98.00	\$6,370.00	\$100.00	\$6,500.00	\$90.00	\$5,850.00	\$83.00	\$5,395.00
7	Crushed Surfacing Top Course	230	TON	\$25.00	\$5,750.00	\$23.00	\$5,290.00	\$25.00	\$5,750.00	\$25.00	\$5,750.00	\$40.00	\$9,200.00
8	Crushed Surfacing Base Course	45	TON	\$25.00	\$1,125.00	\$23.00	\$1,035.00	\$50.00	\$2,250.00	\$25.00	\$1,125.00	\$31.00	\$1,395.00
9	HMA Trench Patch	480	TON	\$130.00	\$62,400.00	\$88.00	\$42,240.00	\$88.00	\$42,240.00	\$100.00	\$48,000.00	\$150.00	\$72,000.00
10	HMA Overlay	210	TON	\$110.00	\$23,100.00	\$89.00	\$18,690.00	\$99.50	\$20,895.00	\$95.00	\$19,950.00	\$100.00	\$21,000.00
11	Planing Bituminous Pavement	360	SY	\$10.00	\$3,600.00	\$9.00	\$3,240.00	\$8.00	\$2,880.00	\$15.00	\$5,400.00	\$8.00	\$2,880.00
12	Manhole 54-inch dia.	1	EA	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00	\$3,850.00	\$3,850.00	\$4,500.00	\$4,500.00	\$5,000.00	\$5,000.00
13	Manhole 60-inch dia.	6	EA	\$5,000.00	\$30,000.00	\$3,300.00	\$19,800.00	\$4,500.00	\$27,000.00	\$5,000.00	\$30,000.00	\$6,500.00	\$39,000.00
14	60-inch Saddle Manhole	1	EA	\$4,500.00	\$4,500.00	\$3,000.00	\$3,000.00	\$6,500.00	\$6,500.00	\$6,000.00	\$6,000.00	\$9,800.00	\$9,800.00
15	Bank Run Gravel for Trench Backfill	350	TON	\$15.00	\$5,250.00	\$6.00	\$2,100.00	\$10.00	\$3,500.00	\$17.00	\$5,950.00	\$12.00	\$4,200.00
16	Dewatering	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$68,500.00	\$68,500.00	\$80,000.00	\$80,000.00	\$103,000.00	\$103,000.00
17	PVC San Sewer Pipe, 18-inch dia.	1349	LF	\$110.00	\$148,390.00	\$78.00	\$105,222.00	\$63.00	\$84,987.00	\$78.00	\$105,222.00	\$67.00	\$90,383.00
18	Connection to existing system	5	EA	\$2,500.00	\$12,500.00	\$950.00	\$4,750.00	\$3,500.00	\$17,500.00	\$3,000.00	\$15,000.00	\$2,800.00	\$14,000.00
19	Temporary Sewage Bypass	1	LS	\$30,000.00	\$30,000.00	\$8,500.00	\$8,500.00	\$10,000.00	\$10,000.00	\$16,000.00	\$16,000.00	\$20,000.00	\$20,000.00
20	Side sewer	350	LF	\$40.00	\$14,000.00	\$50.00	\$17,500.00	\$100.00	\$35,000.00	\$45.00	\$15,750.00	\$73.00	\$25,550.00
21	Erosion/Water Pollution Control	1	LS	\$2,000.00	\$2,000.00	\$9,900.00	\$9,900.00	\$5,000.00	\$5,000.00	\$7,500.00	\$7,500.00	\$1,150.00	\$1,150.00
22	Property Restoration	1	LS	\$1,000.00	\$1,000.00	\$4,500.00	\$4,500.00	\$3,000.00	\$3,000.00	\$12,000.00	\$12,000.00	\$12,680.00	\$12,680.00
23	Quary Spalls	20	TON	\$25.00	\$500.00	\$30.00	\$600.00	\$50.00	\$1,000.00	\$50.00	\$1,000.00	\$38.00	\$760.00
24	Force Account	1	EST	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
Subtotal Amount					\$440,086.00		\$367,135.00		\$428,847.00		\$496,895.00		\$504,559.99
States Sales Tax at 8.5%					\$37,407.31		\$31,206.48		\$36,452.00		\$42,236.08		\$42,887.60
TOTAL					\$477,493.31		\$398,341.48		\$465,299.00		\$539,131.08		\$547,447.59

We hereby certify that this bid tabulation represents all bids received and that all calculations have been checked and are correct.



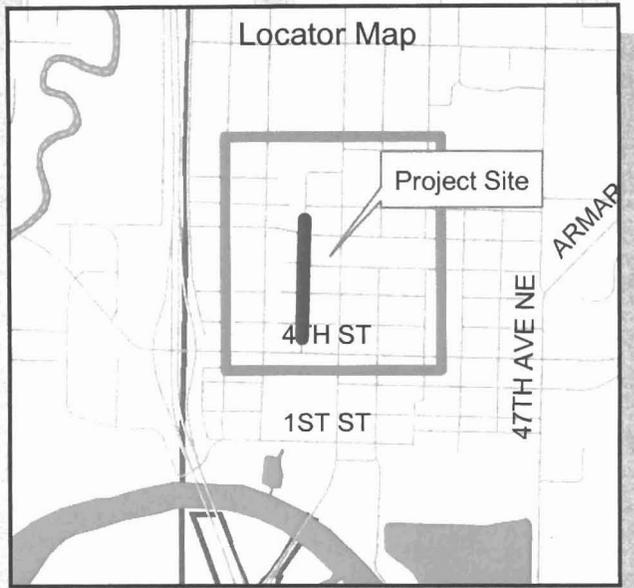
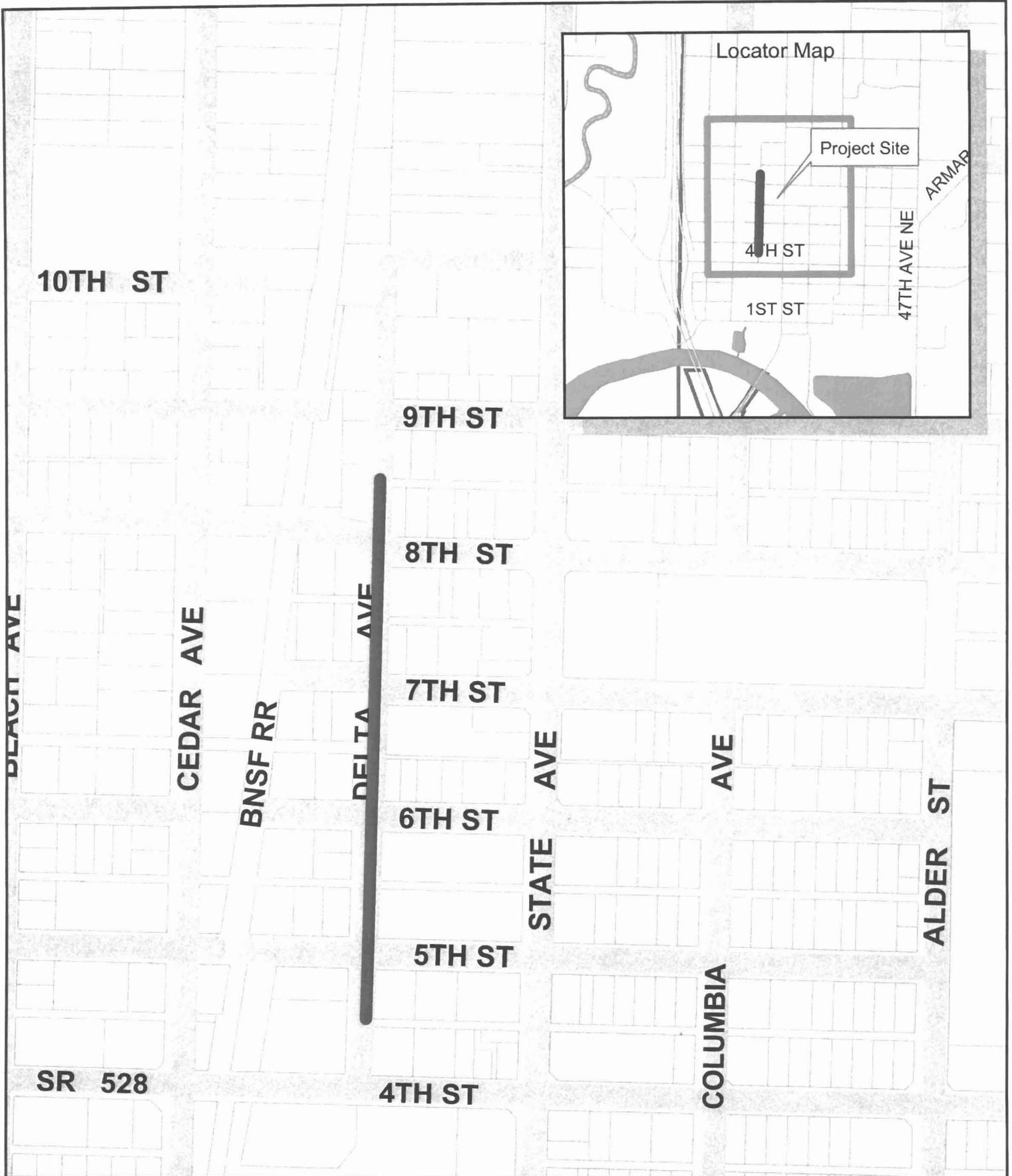
BID TABULATION
DELTA AVENUE SEWER REPLACEMENT PROJECT
 BID OPENING: March 8 at 10:00 am

Prepared by: David L. Zull, PE
 Date: March 8, 2007

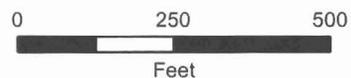
Gary Harper Const. D.D.J. Const.

Item	Description	Quantity	Units	Unit Prices	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization	1	LS	\$27,100.00	\$27,100.00	\$45,000.00	\$45,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2	Temp. Traffic Control	1	LS	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3	Flagger and Spotters	1	LS	\$30,700.00	\$30,700.00	\$35,000.00	\$35,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4	Removal of Structures & Obstructions	1	LS	\$27,000.00	\$27,000.00	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
5	Trench Safety Systems	1699	LF	\$11.00	\$18,689.00	\$2.00	\$3,398.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6	Controlled Density Fill	65	CY	\$136.00	\$8,840.00	\$100.00	\$6,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7	Crushed Surfacing Top Course	230	TON	\$31.50	\$7,245.00	\$42.50	\$9,775.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
8	Crushed Surfacing Base Course	45	TON	\$31.00	\$1,395.00	\$42.50	\$1,912.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9	HMA Trench Patch	480	TON	\$107.00	\$51,360.00	\$120.00	\$57,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
10	HMA Overlay	210	TON	\$105.00	\$22,050.00	\$100.00	\$21,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
11	Planing Bituminous Pavement	360	SY	\$11.60	\$4,176.00	\$15.00	\$5,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
12	Manhole 54-inch dia.	1	EA	\$5,800.00	\$5,800.00	\$6,800.00	\$6,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
13	Manhole 60-inch dia.	6	EA	\$6,570.00	\$39,420.00	\$8,800.00	\$52,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
14	60-inch Saddle Manhole	1	EA	\$5,640.00	\$5,640.00	\$8,800.00	\$8,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
15	Bank Run Gravel for Trench Backfill	350	TON	\$30.00	\$10,500.00	\$38.50	\$13,475.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
16	Dewatering	1	LS	\$49,000.00	\$49,000.00	\$155,000.00	\$155,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
17	PVC San Sewer Pipe, 18-inch dia.	1349	LF	\$106.00	\$142,994.00	\$105.00	\$141,645.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
18	Connection to existing system	5	EA	\$1,600.00	\$8,000.00	\$8,500.00	\$42,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19	Temporary Sewage Bypass	1	LS	\$42,000.00	\$42,000.00	\$25,000.00	\$25,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20	Side sewer	350	LF	\$49.50	\$17,325.00	\$100.00	\$35,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
21	Erosion/Water Pollution Control	1	LS	\$4,300.00	\$4,300.00	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
22	Property Restoration	1	LS	\$4,600.00	\$4,600.00	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
23	Quary Spalls	20	TON	\$34.00	\$680.00	\$50.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
24	Force Account	1	EST	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Subtotal Amount					\$542,814.00		\$702,605.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
States Sales Tax at 8.5%					\$46,139.19		\$59,721.47	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL					\$588,953.19		\$762,326.97	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

We hereby certify that this bid tabulation represents all bids received and that all calculations have been checked and are correct.



Delta Ave Sewer Replacement Project



 Project Limits



CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: EG/I-NET Fee	AGENDA SECTION:	
PREPARED BY: Doug Buell, Community Information Officer	AGENDA NUMBER:	
ATTACHMENTS: 1. Exhibit A – EG/I-NET Fee Projections 2005-2014 (revised) 2. Exhibit B – Cable TV Advisory Comm. Minutes – Jan. 10, 2007 3. “ “ C – Council Annual Retreat Minutes – March 25, 2006 4. “ “ D – Council Work Session Minutes – May 16, 2005 5. “ “ E - Cable Franchise Secs. 9 (Access) & 12 (I-NET) 6. “ “ F - EG/I-NET Fact Sheet 7. Institutional Network (I-Net) Report (added attachment)	APPROVED BY:	
	MAYOR	CAO 
BUDGET CODE:	AMOUNT:	

The City Council at its March 2006 annual retreat and a May 2005 work session discussed the EG/I-NET fee that the City receives under terms of the cable franchise agreement with Comcast Cable Corp. More recently, Council during its 2007 Budget workshops directed staff to return with more detailed information concerning a potential reduction in this fee for the years 2007-2014, as authorized in Section 9.7 of the franchise agreement. Council also wished to discuss future desired levels of capital needs funding for the Government (G) and Educational (E) Channels, and for the I-Net, the City's Institutional Network of fiber-optic cabling that interconnects City and Fire District facilities.

Council may wish to consider the following questions to help reach a preferred option:

1. Does Council want to continue funding local cable access television?
2. Does Council want to continue funding the I-Net beyond anticipated payoff of the system in spring 2007?
3. Does Council wish to continue funding the annual I-Net Maintenance Agreement through the EG/I-Net fee, as is current policy, or through the General Fund? This annual fee for 2007 will total \$6,746 ($\$500 \text{ p/fiber strand mile} * \text{annual Seattle CPI}$)

Upon review of the attached documents and further discussion, the Council may wish to consider the following options:

1. Status quo – Maintain the \$1.00 per month/per subscriber.
2. Maintain the \$1.00 p/mo. p/sub., delineating how much should be dedicated to support cable capital needs, and how much should be apportioned for I-Net purposes.
3. Reduce funding to \$0.75 p/mo. p/sub. - \$0.50 for cable, \$0.25 for I-Net.
4. Reduce funding to \$0.50 p/mo. p/sub. - \$0.25 for cable, \$0.25 for I-Net.
5. Reduce funding to \$0.50 p/mo. p/sub. - \$0.50 for cable, \$0 for I-Net
6. Eliminate the EG/I-Net fee (the “End Cable Access” option) unless funded specifically through standard General Fund revenue.

The TV Advisory Committee on Jan. 10, 2007 recommended retaining the \$1.00. Any reduction in the fee will result in a monthly discount passed on to Comcast cable subscribers.

RECOMMENDED ACTION:

Staff recommends that Council consider the options above, and direct staff to develop a policy regarding how EG/I-NET capital contributions are spent and tracked for budgeting purposes.

Exhibit A

CABLE PEG/I-NET FEE PROJECTIONS 2005-2014

Monthly Fee	Cumulative Cable Customer Growth	Incremental Amount	Annual Amount	Incremental Amount	Annual Amount	Incremental Amount	Annual Amount	Incremental Amount	Annual Amount
		\$	\$	\$	\$	\$	\$	\$	\$
		1.00	1.00	0.75	0.75	0.50	0.50	0.25	0.25
2005	8,226	10,715	98,715.47	(13,963.40)	74,036.60	(38,642.27)	49,357.73	(63,321.13)	24,678.87
2006	8,411	2,221	100,936.18	1,665.53	75,702.13	1,110.35	50,468.09	555.18	25,234.04
2007	8,895	5,809	106,744.77	4,356.44	80,058.57	2,904.30	53,372.38	1,452.15	26,686.19
2008	10,186	15,482	122,226.33	11,611.17	91,669.75	7,740.78	61,113.16	3,870.39	30,556.58
2010	11,004	9,816	132,042.32	7,361.99	99,031.74	4,908.00	66,021.16	2,454.00	33,010.58
2011	11,289	3,424	135,466.37	2,568.03	101,599.78	1,712.02	67,733.18	856.01	33,866.59
2012	13,678	28,666	164,132.76	21,499.80	123,099.57	14,333.20	82,066.38	7,166.60	41,033.19
2013	13,951	3,283	167,415.42	2,461.99	125,561.56	1,641.33	83,707.71	820.66	41,853.85
2014	14,230	3,348	170,763.73	2,511.23	128,072.79	1,674.15	85,381.86	837.08	42,690.93

2008 FEE BREAKDOWN BY OPTION

		Cable	I-Net
Option 1	Maintain \$1.00 p/mo. p/sub.	\$122,226.00	
Option 2	\$1.00 - Council chooses split	tbd	tbd
Option 3	\$0.75 - \$0.50 Cable, \$0.25 I-Net	\$61,112.00	\$30,557.00
Option 4	\$0.50 - \$0.25 Cable, \$0.25 I-Net	\$30,556.00	\$30,556.00
Option 5	\$0.50 - \$0.50 Cable, \$0 I-Net	\$61,113.00	\$0
Option 6	Eliminate fee (upon payoff of I-Net)	\$0	\$0



**Marysville Cable Television Advisory Committee
January 10, 2007 3:15 p.m. Marysville City Hall**

Present: Councilmembers Rasmussen & Phillips, Dean Kinzel, Jerry Randulson, Dick Walsh

Staff: Community Information Officer Doug Buell
Recording Secretary Judy Coonts

Dean Kinzel called the meeting to order at 3:15 p.m.

Approval of Minutes

Motion made by Member Walsh to approve the minutes of the July 12, 2006 meeting, second by Member Randulson. Motion carried unanimously.

Business

Councilmember Rasmussen reported that during the budget workshop the TV Committee budget wasn't addressed due to an illness that delayed preparation of the budget package. Member Walsh asked if budget funds will still be available. Councilmember Phillips said the answer is yes. Doug Buell said there would be a delay in the availability of funds because it is no longer paid to the City in advance, in the form of a Capital Contribution grant. Funds from the \$1 per month per subscriber are still being used to pay off the I-Net and annual I-Net maintenance fee.

Councilmember Phillips stated that City Council will address the TV Committee in February – whether or not to drop the \$1.00 fee. Councilmember Rasmussen stressed the importance of making it very clear what the community would lose if the fee was dropped or reduced. Member Walsh suggested putting together a PowerPoint presentation showing all the events that are possible because of the fee. He also suggested putting the presentation in a goal structure.

Member Walsh asked Mr. Buell what he was looking for from the Committee in preparation for the Council meeting. Mr. Buell felt it would be helpful if the Committee members showed up at the Council meeting. Councilmember Phillips suggested Committee members speak of goals. Member Walsh suggested having the high school kids show up and do a small video – such as a reporter crew going to Riverfront Park. The Committee all agreed to show up at the 2/26/07 City Council meeting to show their support of retaining the \$1.00 fee for the TV channel.

Mr. Buell feels that we are sending a strong message to City Council and that is very good. He added that in the past, presentations were focused on funding but now it is more towards programming.

Councilmember Rasmussen stated there is a disconnect between how the channel was used in the past and how it has been improved and where it is going.

Member Walsh sees the channel as being a community builder.

Member Kinzel asked if the Committee needs to vote on the issues discussed. Member Walsh moved that the Committee recommend that the City Council authorize funds from 2007 PEG/I-Net fee proceeds to be used to meet requested capital improvement needs, seconded by Member Randulson. Motion carried unanimously.

Member Walsh moved the Committee recommend to City Council that it retain the \$1.00 fee for equipment and programming, second by Member Randulson. Motion carried unanimously.

Mr. Buell gave a rundown of the new character generator. He also explained the on-line form for the public to use to put announcements on TV21.

Councilmember Rasmussen felt the Committee needs to strategize how to get information out to the public regarding free announcements on TV21.

Member Walsh pointed out that TV21 cannot advertise sponsors but can say something like “we would like to thank Marysville Rotary for this opportunity”.

Member Walsh informed the Committee that TV3 at the high school is becoming a part of the International School of Communications.

Member Walsh invited the Committee to visit the high school students while they are using the video truck.

Member Kinzel adjourned the January 10, 2007 meeting of the Marysville Cable TV Advisory Committee at 4:10 p.m.

Judy Coonts, Recording Secretary

Present: Mayor Dennis Kendall
Councilmembers: Jon Nehring, Mayor Pro Tem
 Jeff Vaughan
 Donna Wright
 Jeff Seibert
 John Soriano
 Lee Phillips
 Carmen Rasmussen

Staff: Mary Swenson, Chief Administrative Officer
 Sandy Langdon, Finance Director
 Gloria Hirashima, Community Development Director
 Paul Roberts, Public Works Director
 Jim Ballew, Parks & Recreation Director
 Bob Carden, Chief of Police
 Grant Weed, City Attorney
 Doug Buell, Community Information Officer
 Lillie Lein, Recording Secretary

Mayor Kendall called the Marysville City Council Retreat to order at 8.25 a.m., and led the Pledge of Allegiance. Mary Swenson called the roll noting that Councilmembers Wright and Phillips would be there shortly.

Annexation Timelines

Community Development Director Hirashima noted that all priority area annexations are on target for completion this year:

- Sunnyside/Whiskey Ridge has been filed with the County for 60% approval and could be finalized by August.
- Whiskey Ridge North is still circulating petitions, and are currently at approximately 50%. They should obtain 60% soon.
- Mattson is scheduled for a public hearing before Council on Monday, March 27.

The above annexations would complete the Southeast portion of the UGA.

- The Smith Annexation which is along I-5 north of 88th Street is going back to the BRB in April.
- The Wicklow Annexation has been approved by the BRB and is ready to be finalized after agreement on the Smith Annexation area is reached.

In regard to the UGA expansion areas, Ms. Hirashima noted the following:

- American Eagle and Frondorf Annexations should be finalized by late Spring or early Summer.
- Smokey Point and Lakewood Annexations are being worked on.
- The 10% intent to annex petition on the North Lakewood Annexation has been accepted and the 60% petition is being worked on. This should be finished by Fall.

Chief Administrative Officer Mary Swenson began a discussion on the fact that all of these annexations mean that the City needs more staff. In referring to the Sunnyside Annexation and others, she stated that they will require a new beat for the Police Department, and that Council authorization to start that process is needed.

Police Chief Carden agreed noting that there is a 90-day wait to get an officer into the academy. Ms. Swenson stated that it was important to start the process now or the City would be behind. She has had some discussions with the officers and will meet with them again. They are excited about the changes.

Councilmember Nehring asked if this would be late 2006 or 2007. Chief Carden responded that it takes 90-days to hire someone and then another 90-days to get that person into the academy.

It was noted that they will need to hire 5 people (a squad consists of 4 officers and 1 detective). A staffing study of the Police Department is scheduled and will probably show a need for additional officers over the 5 new hires being requested.

Councilmember Seibert asked how fast site construction and permitting will be before the area is completely built out. Director Hirashima responded that the City will probably see development and construction in three years but not a complete build-out.

Councilmember Wright arrived at 8:35 a.m.

Councilmember Seibert asked about the infrastructure. Public Works Director Paul Roberts stated that water and sewer are fine. The streets, however, would need major repair. Director Hirashima added that most water and sewer improvements could be accomplished through developer fees. Director Roberts emphasized that streets are a big issue because of the poorly maintained streets the City will inherit through annexations. Director Hirashima noted that Sunnyside Boulevard needs major repairs, and added that this was a big issue during the annexation process. Given the growth, the City needs to look at moving some street projects into the 6 year TIP, which Director Roberts agreed, and stated that they are looking into doing that. Ms. Swenson added that the budget authorizes two hires for the street department this year.

Ms. Swenson noted that new legislation has passed giving Cities that annex an area with over 10,000 in population an additional .1% of sales tax for no more than ten years.

Councilmember Phillips arrived at 8:45 a.m.

Mayor Kendall stated that the next area to be annexed would be the area between 88th and 100th Streets but that the City needed time to absorb the impacts of the current annexations so the process for annexing that area won't start for a while.

Councilmember Nehring asked about projections of sales tax revenues, and Director Langdon replied that based on 500,000 square feet of retail space, it is projected that the City would receive \$500,000 in sales tax. The City has 500,000 square feet of retail space coming into the City in the fall and another 500,000 next year.

Director Langdon also noted that there will be construction sales tax but would like to see that put in reserves. Ms. Swenson stated that she would like to see Council set a process that the construction sales tax dollars would not be used without Council authorization. There was a short discussion on mitigations fees with Director Roberts noting that revenue is coming in but there are still more projects than revenue.

Councilmember Rasmussen said that she has seen that citizens are more patient if they know the City has a plan. Director Roberts agreed and said that it was important. He said they are looking into how fast the City can get projects going. Director Hirashima explained that grant money is not available for planning, only construction. Director Roberts concurred that having a plan for a project is vital to obtaining grant money. He said that his department is aware of the issues and are busy laying out a plan. They are getting prepared to go to the legislature in January to get money for roads.

Director Hirashima stated that the Fourth Street Interchange is at a level F and really needs to be looked at. She said planning will take longer so it is important to start that soon.

Council Meeting Compensation

Mayor Kendall stated that Council currently receives \$461.25 per month salary which includes attending the two regularly scheduled Council meetings and two regularly scheduled work sessions. This has been set by the Salary Commission.

In addition, Council receives \$50 per meeting for a maximum of 10 meetings per month. Ms. Swenson distributed a survey from October 2005 of cities similar in size to Marysville and the salaries of their Councilmembers and the Mayor opened the floor for discussion.

Attorney Weed said that if the issue is reimbursement for time to attend meetings, the Council can address the issue. If it is compensation only, then the Salary Commission must determine the rate.

It was noted that the original intent of the \$50 per meeting was to reimburse Councilmembers for the time needed to take off work, etc. to attend meetings. It was also noted that the Fire District pays \$70 per meeting and the Health District pays \$55.

Mayor Kendall added that the budget allows for \$1000 per month per Councilmember.

Councilmembers agreed that they did not run for office for the pay but as a community service; however, attending meetings does have an impact in terms of time off of work, away from family, etc. Council came to consensus that \$100 per meeting with a maximum of ten meetings per month was in line with other cities the size of Marysville and was fair.

There was a short discussion of travel expenses with the explanation given that the City pays based on Mapquest mileage from City Hall to point of meeting at the rate determined by the I.R.S.

Committee Structure

Councilmember Nehring stated that he appreciates staff's willingness to flex times of meetings to accommodate Council's schedules, and allowing them to attend meetings without having to take as much time off of work. All councilmembers agreed.

Councilmember Phillips asked about restarting the Economic Development sub-committees. Ms. Swenson explained that the committees were not currently meeting but that she would meet with the Committee Chairs to provide them with an update.

Departmental Reports

The Mayor asked if the Council wished to see any changes in the monthly departmental reports that they receive.

Councilmember Seibert asked how much staff time was needed to generate the reports, and Mayor Kendall replied that it was not much because the information was needed anyway.

Councilmember Wright asked if they could get the information electronically, and Mayor Kendall said they would look into it.

Councilmember Vaughan said the reports contain more information than he cared to read, and that he would prefer a one page sheet from each department with key indicators.

Also, he said that statistics were started over each year, and thought rolling statistics were needed. Mayor Kendall suggested an Executive Summary with back-up for those that wanted additional information.

Waterfront Park (Pay Station)

Director Ballew distributed a summary of fees charged at other state and municipal motorized boat launches. He estimated that the Ebey Waterfront Park boat launch has experienced about 500 launches this year so far. He noted that the park is easily maintained and the City has received huge accolades because it is free. If the City decides to charge, it would increase the risk in terms of loss of immunity.

Attorney Weed noted that you can't determine the cost of loss of immunity because you don't know if you will have large or small claims. One large claim could have a big impact. He said it is really a policy issue.

Ms. Swenson informed the Council that WCIA charges are based on employee hours and a history of claims.

Councilmember Rasmussen asked if there was a history on donation pay stations. Director Ballew did not have one. He stated that the City would have to educate the public that it is a donation, but noted that they have had success in other areas with donations such as the petting zoo. He added that people are willing to make donations if the facility is maintained.

Councilmember Wright expressed concern regarding theft and vandalism, and Chief Carden admitted there is always that possibility but that the key would be a strong donation box.

The Council came to consensus that a donation box was what they wanted, and directed the sale of the current kiosk that is there now. City Attorney Weed stated that the wording on the donation box was important, and Director Ballew assured him they would run that by him.

There was a break in the retreat from 10:00 a.m. until 10:10 a.m.

Fire District

Ms. Swenson began a short discussion on annexation into the Fire District. She said that it is her recommendation that the City does not annex into the Fire District. After reviewing the issues, it seems that there would be no gains, but the City would lose control. She stated that she has had discussions with the Fire Chief and his main concern would be voting on funding for fire service. A vote would require votes in three districts.

Council reached consensus that they were not interested in annexing into the Fire District but would support a vote for fire services.

Financial Reports

Director Langdon asked if Council was getting what they needed from their monthly reports, and if they were looking for anything else.

Consensus of Council was that they were satisfied with the current reports they are getting.

Dog Park

Director Ballew said the Park Board is interested in an off-leash park. He has met with Snohomish County and other entities regarding a possible regional facility. He noted the Marymoor Park is a good example, and has been run by donations until this year. They now charge for parking. He noted that 20-30 acres would probably be needed.

Councilmember Rasmussen stated that there is high enthusiasm for this by pet owners, and thought this should be a priority amenity to support volunteers in an effort to accomplish a park.

There was some discussion of how an off-leash park works, and the possibility of a non-profit group being formed to organize volunteers for fund-raising and maintenance. Attorney Weed stated that it was important that a park be properly signed with a clear set of rules; that a fee was not charged, but a fee for parking could be charged.

Councilmember Rasmussen stated that, if the City found the property, the interest of the people is there and the volunteers would come.

I-Net/Cable

Community Information Officer Doug Buell explained the difference between PEG and I-Net. It was noted that each Comcast cable user was being charged \$1 per month, and this charge is paying off costs that were incurred and would be paid off by the end of this year.

A discussion of whether or not to continue collecting the \$1 fee followed:

Councilmember Seibert stated that the fee was put in place for a specific purpose that was going away at the end of the year and, therefore, the City should not continue to collect the fee.

Councilmember Vaughan noted that if the City decides to keep the Community Channel, it has to be funded, and he wanted to be sure that those reaping the benefits were the ones paying for it.

Councilmember Phillips stated that if you reduced the fee, you would not be able to raise it later.

There was a discussion of the cost of running a Community Channel and personnel that would be needed. The fee could not be used to pay for employees' salaries.

Councilmember Rasmussen suggested using high school students to produce programming.

Councilmember Phillips noted that people watch the channel when there is specific programming, and that the TV Advisory Committee's goal is to increase programming.

In summary, Council commented as follows:

Councilmember Soriano was in favor of using the full \$1 to get more flexibility of what can be done with programming.

Councilmember Nehring stated that if the City kept the channel, better programming was needed, and was not in favor of keeping the fee if programming could not be improved.

Councilmember Phillips stated that Dick Walsh from the high school would be willing to let students produce films that could be broadcast. He is in favor of keeping the channel.

Councilmember Seibert was in favor of using high school students to produce programming.

Councilmember Rasmussen suggested paying off the I-Net and then anything new for I-Net be paid from the general fund. She also wanted the school district contacted to see what they could do to assist the City in programming.

Councilmember Vaughan agreed with Councilmember Rasmussen on the I-Net and was in favor of keeping the \$1 to improve programming. He did not want the school district to lose their programming.

Councilmember Wright was supportive of the high school program and wanted to see the City work with the school district to upgrade programming.

Council took a break from the retreat at 11:25 until 11:35.

Golf Course

Community Information Officer Buell distributed a summary of recommendations from the Golf Committee that included:

- More marketing
- Point of Sale Software
- Improving User Loyalty
- Eliminating Use of City Water

The summary also included recommendations from Mayor Kendall and Ms. Swenson to establish a 3-5 member Committee and offer a military discount.

Director Ballew noted the following:

- They are looking into different Point of Sale systems;
- Additional golf carts have been ordered and are expected April 10;
- Pass sales end this month – 58 passes sold to-date;
- 46 tournaments have registered
- a Senior Men's Club has been formed with a 501.C.3 designation, charter, and by-laws;
- the Women's Club is growing and will meet bi-monthly.

Director Ballew has asked the Men's Club to start publishing their newsletter again, and distributed a copy of the golf course's new brochure. He noted that with a Point of Sale system, players can be marketed directly, and suggested a loyalty program to bring in more business.

Mayor Kendall stated they are also looking at tournament rates and maybe offering lower rates for week day tournaments. He then showed a drawing of the golf course noting options that the engineering department has developed as alternatives to using City water for watering the course. This includes an additional pond. Suggested upgrades would cost approximately \$50,000 with a 4/year payback. The options are still being analyzed but they could conceivably be completed in 90 days.

Mayor Kendall announced that the Advisory Committee members would be: Tom St. Onge, Jim Lonneker, and Gail Rauch.

Council took a break from 11:55 a.m. until 12:32 p.m.

Organizational Structure

Community Information Officer Doug Buell displayed an overhead of an option for future organizational structure of the City.

Ms. Swenson explained that, with the growth the City is experiencing, the City will probably need to add another director. This director would head the Administration Department that would include City Clerk, Community Information Officer, IT Department, Real Property/Real Estate, and Library.

Also, a purchasing person would be added to finance.

Mayor Kendall noted that this proposal would split Fleet and Facilities and add a Capital Facilities person. Ms. Swenson added that Facilities might move over to Administration. She said there is a real need now for a Real Property/Real Estate Position.

Mayor Kendall said the Police Department has had a slot added for Emergency Management and explained the requirements of the City to have an Emergency Management Plan in place and training required by staff.

They noted that this is a 3-5 year plan.

Mayor Kendall then asked for staff and Council comments:

Director Langdon stated that the Finance Department is here to service the other departments, and is working on technology to increase service to the citizens and staff.

Director Roberts said that in terms of utilities, the City is very healthy, and the department is looking at the future in all areas and projecting out. With all the annexations, there are stormwater issues in two areas:

1. Retention/detention ponds that are inherited; and
2. Regulations that may come up in the future.

Streets are a challenge in terms of the streets themselves, stop lights, and street lights. He noted that they will be giving a complete report to Council on Monday.

He added that the Engineering staff is strained, and noted the demand for engineering talent in the area. He said the City can't compete with salaries so they are trying to compete by offering corporate amenities.

Director Hirashima noted the big annexations with lots of growth, both commercial and residential. She said she went to a PUD meeting where they reviewed their current projects that are planned and 5 out of 11 were in Marysville. She added that, as we go forward targeting for growth, the most important issue is roads. If the City wants to move forward, it is imperative they address the transportation issues.

She also stated that the City needs to take a look at housing stock, and with all of the retail developing, there will be a need for affordable housing. The need for multiple-family housing will need to be addressed. It is a requirement of the GMA. One of the things hampering this is a current trend of apartments being converted to condos.

Community Information Officer Buell stated that he is starting to work on the Spring/Summer newsletter and encouraged all to let him know if they have anything they want included. He stated that he is also planning on doing more on the web site this summer.

City Attorney Weed stated that he has 26 years of practicing municipal law, he has accolades to give to the directors who are a talented and great group to work with, and to Council who is very supportive of their efforts.

He noted that with growth there are also increased legal demands. It is not a matter of whether but when the City wants to transition to a full time attorney. He said he is willing to help Marysville with that transition when they are ready. Currently the City has in house support through himself, Ryan White, and in his office Craig Knutson, and Cheryl Beyer.

Growth also impacts the court calendar. At some point, the City needs to consider either a second courtroom or full-time judge. It also impacts the prosecutor, public defender, probation officer, and court staff.

There is a marked increase in contracts generated by the Engineering Department; an increase in planning and permit issues; parks issues, etc., and an increase in the number of deeds and easements processed.

Director Ballew announced that they hopefully will have a new Athletic Coordinator hired within thirty days; and are having lots of people calling and coming in asking about programming and signing up to participate. The growth around Deering Wildflower Acres is creating management issues that they are looking into. Vandalism is also a big issue. They are also working a lot on Capital Facilities Planning over the next 1 ½ years.

Chief Carden noted that the community is thriving. He cautioned that with annexation you get the good and the bad, and that crime rates are rising. Vandalism increases with an increase in population. Also they are seeing an increase in gang members being noted by the SRO officers. The gang issue must be taken seriously. It is important to maintain the officers in the schools; he recommended sending the SRO officers to special training regarding gangs and putting in place ordinances to help control the problem. He cautioned them not to wait until it gets out of hand.

The Chief added that there needs to be more time spent on crime prevention; adding that eventually there will be a need for a Crime Prevention Officer.

He added that he has a great staff, and that they are very professional.

Ms. Swenson said she talked to her counterparts in Olympia, Kirkland, and Renton. Their cities are about the same size as Marysville but they have a much higher number of employees (400 in Kirkland/700 in Renton). She noted that the directors are the best she

has worked with and that she has heard a lot of positive comments that staff is solution orientated with great customer service. She added that morale is good through-out the City.

Director Ballew acknowledged the great job Ms. Swenson did of talking with employees following union negotiations.

Councilmember Wright asked about Deering Wildflower Acres, and Director Ballew noted that they would not be closing it. Councilmember Wright stated that they needed to look into parking for that park.

Councilmember Wright also stated she has had several questions regarding fencing and asked who those should be referred to. Director Hirashima responded that her department would handle those calls.

Councilmember Rasmussen said it was an honor to work with Council and the directors. She said she was excited about the direction the city was going and happy to be a part of it.

Councilmember Seibert referred to a rate study done a couple of years ago and asked about doing a full study of inventory of the infrastructure. Director Langdon said that is actually being required of the City and is being worked on.

Councilmember Seibert asked about the map on the web site noting that it is hard to negotiate. Director Hirashima suggested he try again because they have just gone to a hosted web site which has greatly improved maneuverability.

Councilmember Seibert also said that this is a really good time for the City. He wanted economic development and the City has done a really good job of planning. He also stated that it is great working with Council and the directors.

Councilmember Phillips said he echoed the comments of the others, and that he is really proud to be a part of this team.

Councilmember Nehring stated that staff, Council, and Mayor have worked together to clean up some of the Economic Development issues; and now they need to work on bringing in higher paying jobs. He said he is proud of everyone and how everything has come together.

Councilmember Soriano thanked the department heads for being here today. He said they are responsible for putting things into play and Council then gives their blessing. He noted that Boeing is having the same challenges with a shortage of engineers. He ended by saying it is great to be on Council.

City Council Retreat

City Hall

March 25, 2006

Councilmember Vaughan noted that each Councilmember brings their own talents to Council. He appreciates the experience and has loved every minute. The City has a great staff and he is looking forward to the future.

Mayor Kendall noted that he met with the Directors prior to the retreat, and that they are doing a great job. He added that part of that is because of the good staff they have.

Mayor Kendall then adjourned the retreat into Executive Session at 1:44 p.m.

Council met in Executive Session to discuss real estate and personnel. They adjourned from Executive Session, took no action and Mayor Kendall adjourned the retreat at 3:35 p.m.

Mayor
Dennis L. Kendall

City Clerk
Gerry Becker

Recording Secretary
Lillie Lein

MARYSVILLE CITY COUNCIL WORK SESSION

May 16, 2005

7:00 p.m.

City Hall

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Dennis Kendall called the May 16, 2005 meeting of the Marysville City Council Work Session to order at 7:04 p.m. He led those present in the Pledge of Allegiance. There was no invocation given.

ROLL CALL

Chief Administrative Officer Mary Swenson called the roll. The following staff and councilmembers were in attendance.

Mayor: Dennis Kendall

Council: Mayor Pro Tem Jon Nehring, Lee Phillips, Jeff Seibert, John Soriano, Lisa Vares, Jeff Vaughan, and Donna Wright

Staff: Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Gloria Hirashima, Community Development Director; Robert Carden, Police Chief; Greg Corn, Fire Chief; Ralph Krusey, Police Commander, Jim Ballew, Parks and Recreation Director; Doug Buell, Community Information Officer, and Laurie Hugdahl, Recording Secretary.

COMMITTEE REPORTS

Mayor Kendall solicited committee reports. Councilmember Jeff Seibert reported on the **Draft Standards for Prosecuting Attorneys** meeting where they discussed a diversion program for drug court and expedited prosecution.

Councilmember Lisa Vares commented that **Public Works** meetings were cancelled for the rest of the month.

Mayor Pro Tem Jon Nehring reported on the **Facilities Committee** meeting. Highlights included:

- Strawberry Fields Grand Opening Dedication on Sunday at 2:00 p.m.
- Rental Fee Schedule now available – There are different rates for day and night rentals. Donna Wright commented that there is also a prioritizing list for who gets to use the fields.
- Caretaker Contract
- Maintenance issues at Marysville Library.
- Wastewater Treatment Plant Dedication tentatively scheduled for June 3.

Councilmember Jeff Vaughan stated that the **Parks Board** met on Wednesday, May 11.

- They were informed that the grant funding for the skate park video surveillance system did not come through. The board voted to approve funding for this in the 2006 budget.
- There was an update on the golf course.
- The board approved a new memorial plaque for the Youth Peace Park.
- Hanging baskets have been ordered and should arrive around Memorial Day weekend.

PRESENTATIONS

None.

DISCUSSION ITEMS

None.

OTHER ITEMS SCHEDULED FOR MAY 23, 2005 MEETING

A. Approval of Minutes.

1. May 6-7, 2005 City Council Retreat.
2. May 9, 2005 City Council Meeting.
3. May 16, 2005 City Council Work Session.

CONSENT

A. Approval of May 11, 2005 Claims in the Amount of \$611,366.86; Paid by Check No. 22715 through 22852 with Check No. 22613 Void.

B. Approval of May 18, 2005 Claims.

C. Approval of May 20, 2005 Payroll.

D. Authorize Mayor to Sign Interlocal Agreement with Snohomish Regional Drug Task Force.

Commander Krusey stated that he had nothing additional to add to this. Councilmember Vaughan asked if there had been a reduction in the number of detectives. Mary Swenson responded that there had not.

E. Renewal of Interlocal Agreement for Municipal Court Services; City of Arlington.

City Attorney Grant Weed explained that this included cleanup of the signature page and some typos. There were no substantial changes.

F. Approval of Resolution to Sponsor Marysville Fire District's Application to AWC's Benefit Trust Plan.

Fire Chief Greg Corn explained that Marysville Fire District is requesting that the City Council adopt a resolution providing Marysville Fire District with member sponsorship in Association of Washington Cities Benefits Trust plan.

G. Authorize Mayor to Sign Lease Agreement and Caretaker Contract for Strawberry Fields Park; Shirley Lennon.

Jim Ballew stated that the Lease Agreement had been modified to reflect the fact that the caretaker would be responsible for paying for the security system and all other utilities. The Scope of Work has also changed.

H. Approval of Final Plat for Cedar Ridge; PA 0306018.

This item was removed from the agenda.

REVIEW BIDS

None.

PUBLIC HEARINGS

None.

CURRENT BUSINESS

A. PEG/I-NET Fee.

Community Information Officer Doug Buell reviewed some of the options available to Council:

1. Continue the \$1 per subscriber/per month fee as provided in the cable franchise agreement with Comcast Cable Corp.
2. Establish a tiered fee structure to reduce the rate over time.
3. Reduce the \$1 to a lower flat rate to commence upon completed payment of the I-NET and banking of an amount to cover the full cost of the I-NET maintenance agreement.
4. Eliminate the PEG/I-NET fee.

Councilmember Lee Phillips commented that there would be additional expenses for the I-NET if more buildings were added in the future. He then distributed and reviewed the goals of the Cable Television Advisory Committee. He stated that the Committee is recommending maintaining the dollar fee for I-NET and capital improvements. He emphasized the importance of keeping the City's image up with technology.

Councilmember Jeff Seibert asked Councilmember Phillips if he feels the TV channel is a benefit to the whole community. Mr. Phillips responded that he thinks it is. Mr. Seibert suggested that the whole community should pay for it. Councilmember Phillips replied that it is the most beneficial to the cable customers. Councilmember Seibert stated that when he voted for the I-NET there was no money available in the general fund and this was the only way to fund it in that specific window of time. He does not think cable customers should continue to bear the costs.

Councilmember Donna Wright referred to the Overall Review of Goals for the Cable TV Advisory Committee. The first goal listed was to "Televisize Regular Council Meetings." Ms. Wright stated that she was not sure this was a goal of the Council. Mr. Phillips agreed that this still required discussion, but their intention was to begin with a local news program first. There was discussion about the possible details of the local news program. Councilmember Lisa Vares expressed concerns that the cost would be too great to provide something that would be a real value to the citizens. She suggested that it might be worthwhile to visitors and tourists. Councilmember Wright expressed concern that cable channel would be trying to compete with much larger, commercial stations. Ms. Vares stated that she had an issue with people having no choice about paying for the station.

Councilmember Soriano asked if the video arraignment equipment would be compatible with the cable channel. Mr. Buell responded that it could be. Councilmember Soriano then asked if the police department had plans to equip police vehicles with video systems. Chief Carden replied that this is a possibility down the road because it would be very expensive. Councilmember Soriano wondered if this would be considered PEG I-NET infrastructure. Mr. Buell responded that it would be. Councilmember Soriano suggested exploring other uses that could be considered for public benefit.

Councilmember Seibert stated that he never would have voted for the dollar if he knew it would "snowball" into this. He pointed to the Citizen Survey results. The top concerns did not indicate that the cable channel was a priority. He would rather see the money go toward paving the streets.

Mayor Kendall asked how much was outstanding on the I-NET. Sandy Langdon replied that \$107,000 was still owed. They would still need to come up with \$6500 per year for maintenance. There was discussion about saving enough for future maintenance needs. Mary Swenson commented that keeping the cable equipment current would be an issue with no fee.

Councilmember Jon Nehring suggested saving enough surplus to maintain the I-NET. He noted that he would support the one-time upgrade of \$11,500 for the cable channel, but then would be in favor of eliminating the fee. He suggested that staff provide Council with two different scenarios. One would show the earliest possible payoff date, using the \$11,500 for upgrades. The other would show the minimum fee that would be required if Council wanted cable customers to maintain the I-NET on an ongoing basis.

Councilmember Seibert felt the I-NET costs should be paid off, but did not support cable customers paying for the maintenance costs since they were the ones who initially paid for the installation of the I-NET. He would support paying for the upgrade of equipment out of

the surplus fees at the end of the third year. He would like to eliminate the fee as soon as possible.

Councilmember Jeff Vaughan commented that he had a problem with the funding for the cable channel coming out of the general fund, but he doesn't like that people don't have a choice. He would rather see the city stream video off the website, which would be a more efficient use of staff time and funds. He stated that the bigger issue is whether or not the City would have a cable channel and who would pay for it. Councilmember Vares concurred with this. She suggested having a debate about whether the City needs to have a channel. Councilmember Nehring noted that it was important to separate the issues of the I-NET and the cable channel.

Mary Swenson indicated that if the fee is not taken then Council should look at whether they want to continue the cable channel, as there would be continual struggles for funding. Councilmember Seibert suggested sponsors and private donations. Lee Phillips commented that it was not legal to get sponsorships. They are allowed to get funding for the "P" but not for the "E" and "G". There was some discussion about limitations faced by the channel in this regard.

Councilmember Soriano expressed concerns about the funding for the I-NET maintenance. He suggested a tiered decrease in the fee, but maintaining it in some form to allow for ongoing maintenance costs. Councilmember Seibert was of the opinion that the fee is deceptive. Councilmember Soriano does not feel it is. Councilmember Vares requested holding the discussion until the first cycle in June so she would be able to attend. There was consensus to take a look at this at that time.

B. Purchase of City Flags.

Doug Buell discussed the recommended purchase of city flags using monies from the fund established for economic development purposes.

NEW BUSINESS

A. Jail Expansion/Remodel.

Chief Carden discussed the need for the jail expansion/remodel. Mary Swenson discussed the need for the video arraignment equipment. She felt that tapping into reserves was acceptable for this since the money would be recouped. The incoming funds would be earmarked to go back into reserves. There was discussion about the general fund reserve balance. Councilmember Vares expressed support for this project, but noted concerns about the size of the booking area.

B. Scott Ray Annexation; 10% Notice of Intent; PA04041.

Gloria Hirashima explained that staff is recommending that Council waive the requirement to annex and require an annexation covenant instead. Councilmember Seibert asked if the applicant had already pulled a permit in Snohomish County. Ms. Hirashima replied that they had.

C. ONO Annexation; Notice of Intent; PA 05012.

Ms. Hirashima explained that staff is recommending approval of the expanded annexation boundary, but would like to poll neighboring owners to see if sufficiency exists. If not they are recommending waiving the requirement and requiring an annexation covenant instead.

LEGAL

None.

ORDINANCES AND RESOLUTIONS

A. Resolution of the City of Marysville with Regard to Sponsoring the Marysville Fire District's Request to Join the Association of Washington Cities' Employees Benefit Trust.

INFORMATION ITEMS

A. Mayor's Business

None.

B. Staff Business

Gloria Hirashima:

- Updated Council on the meeting staff held with residents of the Eagle Point Mobile Home Park. The residents are unhappy about plans for the site. Several have indicated they would like a meeting with Council. There was consensus by Council to set up a separate meeting with the residents.
- Announced that the Snohomish County Planning Commission and County Council would be starting their hearings on the Comprehensive Plan.
- Reported that a representative from the Marysville Towne Center was in town last week and met with staff to discuss the City's ideas for that area. They were receptive, but there is still much to be discussed.
- Reported that staff met with the Allen Creek Baptist Church to welcome them into the City and to discuss the next phases of the permit process. They are very happy to be in the City now.
- Stated that staff received the Jordan Annexation petition back last week and forwarded it to the County. They should have 60% certification.

Sandy Langdon reminded Council of the Special Council Meeting tomorrow at 5:30 p.m. There will be a Finance Committee meeting on Wednesday.

Jim Ballew referred to the new *Activities Guide* for the Parks and Recreation. He commended Doug Buell for his great work.

- He noted that the Fishing Derby would be held this Saturday. The breakfast will be at 8:00 a.m. with the derby immediately following.
- He noted that the Maryfest Committee has indicated that they are not interested in pursuing the banners this year.
- Landscapers are onsite now at the Ebey Waterfront Park.
- Strawberry Fields Grand Opening on Sunday at 2 p.m.

Doug Buell commented that the new *North Snohomish County Visitors Guide* has arrived. He thanked Council for providing the Hotel Motel Tax Fund for this. He stated that the Homegrown Festival would be on August 12 and 13 from 10 a.m. to 7 p.m. He encouraged Councilmembers to sign up for a time to work in the city booth.

Chief Carden stated that they would be laying a wreath on Wednesday at 10 a.m. in honor of Peace Officers Memorial Week. There was a meeting on Thursday night with residents of Lakewood Commons to discuss policing issues, especially traffic. He then reported that two teens had bowled at the event last weekend. The event raised over \$15,000 for Housing Hope.

Mary Swenson reminded Council of the Planning Commission dinner tomorrow night at 7:30 p.m.

Grant Weed stated that he would need an Executive Session at the next meeting.

C. Call on Councilmembers

Lisa Vares had no comments.

Jeff Vaughan referred to a ribbon-cutting event for Studio 51. He stated that this is a very nice, upscale place and encouraged Council to attend.

Jon Nehring noted that he would be out of town Tuesday and Wednesday of this week.

Jeff Seibert thanked Mayor Kendall for his comments in the paper. He discussed issues he was having with his e-mail account. He then commented on how bad traffic had become on 88th since the opening of the new outlet stores.

Lee Phillips had no comments.

John Soriano suggested confirming that all of the Planning Commissioners were aware of the dinner. Ms. Swenson indicated that they had already done that.

Donna Wright had no comments.

D. Marysville Park Advisory Board Meeting Minutes; April 13, 2005.

E. Marysville Library Board Meeting Minutes; March 10, 2005.

ADJOURNMENT

Seeing no further business, Mayor Kendall adjourned the work session at 9:07 p.m.

Approved this _____ day of _____, 2005.

Mayor
Dennis Kendall

City Clerk
Gerry Becker

Recording Secretary
Laurie Hugdahl

(B) In the event a new Cable Operator acquires the Cable System in accordance with this Franchise, Grantee shall reasonably cooperate with the City and the new Cable Operator to maintain continuity of Cable Service to all Subscribers. During any transition period, Grantee shall be entitled to the revenues for any period during which it operates the Cable System, and shall be entitled to reasonable costs for its services, if such services are requested by the City, when it no longer operates the Cable System.

8.5 Obscenity

Grantee shall not transmit, or permit to be transmitted, over any Channel subject to its editorial control any programming which is obscene under applicable federal, State or local laws, statutes, regulations or standards now existing or hereafter adopted.

8.6 Parental Control Device

Upon request by any Subscriber, Grantee shall make available a parental control or lockout device, traps or filters to enable a Subscriber to control access to both the audio and video portions of any or all Channels. Grantee shall inform its Subscribers of the availability of the lockout device at the time of their initial subscription and periodically thereafter.

8.7 Cable Internet Service

Grantee has established a voluntary initiative to provide Cable Internet Service to all State-accredited K-12 schools and public libraries that are passed within 125 feet of the Cable System at no cost to the City or institutions. Grantee intends to provide at its expense each of these schools and libraries with one outlet of unlimited Internet access, including the necessary cable modem. The City encourages and supports Grantee's efforts in this area.

8.8 New Technology

If there is a new technology which in the City's opinion would enhance substantially the quality or quantity of programming available to Subscribers on the System, Grantee shall, at the request of the City, investigate the feasibility of implementing said technology and report to the City the results of such investigation.

8.9 Services for the Disabled

Grantee shall comply with the Americans With Disabilities Act and any amendments or successor legislation thereto.

SECTION 9. ACCESS

9.1 Access Channels

Upon the effective date of this Franchise and throughout the term hereof, Grantee shall make available at its expense:

One Governmental Access Channel for use by the City; and

One Educational Access Channel for use by the Marysville School District.

Additionally, upon completion of the System upgrade, Grantee shall carry all other available regional Access Channels in Snohomish County as part of the upgraded channel line up. Furthermore, upon completion of the System upgrade, all Subscribers in the Franchise Area will receive all of the Access Channels.

Any Access Channels provided via digital or compressed video technology shall have at least the same transmission quality as is used to carry any of the commercial Channels that deliver programming on the System. The provision of Access Channels via digital or compressed video technology will not reduce the total number of Access Channels required herein.

If Grantee makes a change in its Cable System and related equipment and facilities, or in its signal delivery technology, which directly or indirectly affects the signal quality or transmission of Access programming, Grantee shall at its own expense take necessary technical steps and provide necessary technical assistance, including the acquisition of all necessary equipment and full training of Access personnel, to ensure that the capabilities of Access Channels are not diminished or adversely affected by such change. For example, this provision shall apply if Basic Service on the Cable System is converted from an analog to a digital format, such that the Access Channels must also be converted to a digital format in order to be received by Subscribers.

9.2 Management and Control of Access Channels

(A) The City may authorize Designated Access Providers to control, operate and manage the use of any and all Access facilities provided by Grantee under this Franchise, including, without limitation, the operation of Access Channels. The City or its designee may formulate rules for the operation of the Access Channels, consistent with this Franchise. Nothing herein shall prohibit the City from authorizing itself to be a Designated Access Provider.

(B) Grantee shall cooperate with the City and Designated Access Providers in the use of the System and Access facilities for the provision of Access Channels. To the extent allowed by law, the City agrees to indemnify, save and hold harmless Grantee from and against any and all liability resulting from the City's use of the Governmental Access Channel.

9.3 Additional Access Channels

In addition to the Access Channels referenced in Section 9.1 above, the City may require Grantee to make available at no charge additional Access Channels, as established by the triggers set forth below.

One additional channel shall be made available for each Access category when either of the initial channels required above respectively is used for original Educational Access or Governmental Access programming (excluding character generated and filler programming, e.g., AM/FM radio programming) during fifty percent (50%) of the hours between 10:00 AM and 10:00 PM, during any consecutive ten (10) week period. Except for character generated announcements, the programming shall be distinct and non-repetitive of the previous channel. Based upon this criteria, the Grantee shall, within six (6) months following a written request by the City, provide another designated Access Channel.

9.4 Location of Access Channels

Subject to must carry requirements, Grantee will continue to carry the City's programming on Channel 29 until such time as the Cable System Upgrade is completed. Furthermore, Grantee will institute common Channel assignments for compatible Access programming; for example, assigning all Educational Access Channels programmed by higher education organizations to the same Channel number on its regional upgraded channel line-up. Grantee shall use its best efforts to provide ninety (90) days advance written notice to the City and at least thirty (30) days advance written notice to the City prior to any relocation of Access Channel 29. In connection with the movement of the City's Government Access Channel to another Channel number, Grantee shall provide, at its expense, a bill message on Subscribers' bills, and the City may provide, at its expense, a bill insert.

9.5 Access Interconnections

Grantee shall Interconnect the Access Channels of the Cable System with the Access Channels of any other contiguous cable system not owned or operated by Grantee or an Affiliate of Grantee if technically feasible and not financially burdensome to Grantee. Interconnection of Access Channels may be accomplished by direct fiber optic or cable connection or by other appropriate methods. Grantee shall not be required to Interconnect with the other cable system unless the cable operator of that system is willing to do so and such cable operator shall pay for its own costs of constructing and maintaining the Interconnect up to the connection point.

9.6 Access or I-Net Support Grants

No later than forty-five (45) days after the adoption of this Franchise, Grantee shall pay to the City a capital advance in the amount of \$88,000. Additionally, at the beginning of year two of this Franchise, Grantee shall pay to the City another capital advance in the amount of \$88,000. These are advance payments of the Capital Contribution set forth in subsection 9.7. These support grants may be used by the City for capital expenditures related to Access and/or I-Net construction, renovation, equipment or facilities. These grants shall in no way be considered in lieu of Franchise Fees and shall not reduce in any way Franchise Fees owed to the City under this Franchise. To the extent allowed by federal law, these capital advances may be treated as an external cost by Grantee and itemized on Subscribers' bills.

9.7 Capital Contribution

Commencing with the effective date of this Franchise, Grantee shall provide a capital contribution to the City for Access and/or I-Net capital costs ("Capital Contribution") in an amount not to exceed \$1.00 per Subscriber per month throughout the term of this Franchise. As of the effective date of this Franchise, that figure shall be \$1.00 per Subscriber per month. The monthly amount may be reduced, as determined by the City Council. Grantee shall be entitled to retain the Capital Contribution up to the amounts advanced in subsection 9.6. Thereafter, the Capital Contribution shall be paid quarterly to the City. Grantee shall not be responsible for paying the Capital Contribution with respect to gratis or bad debt accounts. Within ninety (90) days after the end of each year, Grantee shall provide a report to the City regarding such gratis or bad debt accounts, which report may be included as part of another report. The City can inquire as to the status of any such accounts, and the Grantee agrees to meet with the City, upon request, to discuss such matters as necessary. To the extent allowed by federal law, the Capital Contribution may be treated as an

external cost by Grantee and itemized on Subscribers' bills. The City shall have discretion to allocate the Capital Contribution in accordance with applicable law, provided the City submits a summary of capital expenditures from the Capital Contribution to Grantee within ninety (90) days of the end of each calendar year. To the extent the City makes Access and/or I-Net capital investments using City funds prior to receiving necessary capital advances or Capital Contribution funds, the City is entitled to apply subsequent capital advances or Capital Contribution payments from Grantee toward such City capital investments.

The City and Grantee agree that any Capital Contribution shall be referred to on Subscribers' bills as a "EG fee", "I-Net fee" or language substantially similar thereto. Grantee shall not change such reference on the Subscribers' bills without the prior written consent of the City, which consent shall not be unreasonably withheld.

9.8 Access Channels On Lowest Tier

All Access Channels provided to Subscribers under this Franchise shall be included by Grantee as a part of the Basic Service Tier.

9.9 Use of Educational and Governmental Access Channels

Access Channels shall be placed under the authority of the City for use related to governmental and educational purposes. Access Channel use shall include sponsorships and underwriting. Grantee shall not exercise editorial control over programming of any Access Channel made available to the City or the Marysville School District for their use. Grantee will not interrupt at its headend or hub site, the signal provided on any Access Channel, except during the upgrade, or during circumstances beyond Grantee's control or if necessary for testing or planned system maintenance purposes.

9.10 Technical Quality

The Grantee shall, at its expense, maintain all Access services, Channels and Interconnections at the same level of technical quality and reliability as that for the rest of its System. The Grantee shall, at its expense, provide routine maintenance and repair and replace, if necessary, any of Grantee's equipment required to carry a quality signal to and from the City's (and Designated Access Providers') and the Grantee's facilities for the Access Channels.

9.11 Underutilized Access Channels

Grantee and the City agree that it is their mutual goal to fully and efficiently use the Channel capacity of the Cable System, which may include allowing the Grantee to use underutilized time on the dedicated Access Channels. If Grantee believes that any Access Channel has underutilized time, Grantee may file a request with the City to use that time. In response to the request, the City will consider a combination of factors, including, but not limited to, the community's needs and interests, and the source, quantity, type and schedule of the programming carried on the Access Channel. The City will also consider, taking into account the mission of Access programming, whether it is feasible for the Designated Access Providers to cluster Access programming into blocks of time such that the Channel space can be compatibly shared between the Designated Access Provider and the Grantee and/or if several Designated Access Providers can combine their programming onto a single Access Channel. The City shall render its decision regarding the matter

within sixty (60) days of receiving the request. Should the City find that the Access Channel or a portion of the Access Channel may be used by the Grantee, then Grantee may begin using such time ninety (90) days after receipt of the decision. The Grantee's request shall not be unreasonably denied. Any permission granted pursuant to this subsection for use of an Access Channel or a portion thereof shall be considered temporary.

At such time as a Designated Access Provider believes that it has the resources and ability to utilize the Access Channel time currently used by the Grantee pursuant to this subsection, a Designated Access Provider may request that the City return such Channel or portion of the Channel for Access purposes. In response to the request, the City will consider a combination of factors, including, but not limited to, the community's needs and interests, and the source, quantity, type and schedule of the programming proposed to be carried on the Access Channel as well the applicant's ability and resources to acquire or produce the proposed Access programming. The City will also consider, taking into account the mission of the Access programming, whether it is feasible for the Designated Access Providers to cluster Access programming into blocks of time such that the Channel space can be compatibly shared between the Designated Access Provider and the Grantee and/or if several Designated Access Providers can combine their programming onto a single Access Channel. The City shall render its decision regarding the matter within sixty (60) days of receiving the request. Should the City find that the evidence exists to support the return of the Access Channel or a portion of the Access Channel to the Designated Access Provider, then Grantee shall surrender the Access Channel or the requested time on the Access Channel, as applicable, within ninety (90) days of receiving the decision. The Designated Access Provider's request shall not be unreasonably denied.

9.12 Information about Access Programming

Grantee shall include information about Access programming in the installation packet provided to Subscribers. The City shall supply the materials, for insertion in the packet, in a format consistent with Grantee's requirements.

9.13 Return Lines

In conjunction with the Cable System Upgrade, Grantee shall, at its expense, construct and maintain a fiber optic return line to the Headend (and hub[s] if applicable) from City Hall (on State Avenue) and the School District Service Center to enable the distribution of Governmental and Educational Access programming to Residential Subscribers on the Access Channels.

SECTION 10. GENERAL RIGHT-OF-WAY USE AND CONSTRUCTION

10.1 Right to Construct

Subject to generally applicable laws, regulations, rules, resolutions and ordinances of the City and the provisions of this Franchise, Grantee may perform all construction in the Rights-of-Way for any facility needed for the maintenance, Upgrade or extension of Grantee's Cable System.

10.2 Right-of-Way Meetings

Subject to receiving advance notice, Grantee shall make reasonable efforts to attend and participate in meetings of the City regarding Right-of-Way issues that may impact the Cable System.

(D) Grantee shall promptly take such corrective measures as are necessary to correct any performance deficiencies fully and to prevent their recurrence as far as possible. Grantee's failure to correct deficiencies identified through this testing process shall be a violation of this Franchise. Sites shall be re-tested following correction.

11.7 Additional Tests

Where there exists other evidence which in the judgment of the City casts doubt upon the reliability or technical quality of the Cable System, the City shall have the right and authority, upon thirty (30) days notice, to require Grantee to test, analyze and report on the performance of the Cable System. Grantee shall fully cooperate with the City in performing such testing and shall prepare a report, if requested, within thirty (30) days after testing. Such report shall include the following information:

- (A) the nature of the complaint or problem which precipitated the special tests;
- (B) the Cable System component tested;
- (C) the equipment used and procedures employed in testing;
- (D) the method, if any, in which such complaint or problem was resolved; and
- (E) any other information pertinent to said tests and analysis, which may be required.

SECTION 12. INSTITUTIONAL NETWORK

12.1 Private Network

The I-Net is a private communications network governed by this Franchise and the Cable Act. The I-Net may be used by the City and any other qualified I-Net user to provide any technically and legally compatible, non-commercial service. The City agrees to require all qualified I-Net users to stipulate and agree to the requirements specified herein. "Technically compatible" includes, but is not limited to the understanding that the I-Net will not be used in any way that will interfere with the signal quality and the normal operation of Grantee's Cable System. "Legally compatible" includes, but is not limited to, the understanding that the I-Net may not be used for the provision of Telecommunications Services unless by separate agreement between the Grantee and the City, and that the City will not lease, sublease, or resell access to the I-Net. In addition, the Grantee and the City shall at all times provide such management of the I-Net as applicable to ensure the necessary protection of proprietary I-Net signals.

12.2 Qualified I-Net Users

The I-Net will be for the use of the City and any Qualified I-Net user, which shall include: the City, schools, fire stations and other public safety facilities, the library, other municipal facilities, and other public entities or locations that Grantee and the City agree in the future may use the I-Net provided that they are located within the Franchise Area.

12.3 I-Net Use

(A) Continued Use of the I-Net. The City and other Qualified I-Net Users shall have an exclusive and indefatigable right of use of the I-Net infrastructure for non-commercial private network communications, which right cannot be revoked by the Grantee, or successor companies or entities, if any, throughout the term of this Franchise or any renewal(s), extension(s) or transfer(s) thereof, so long as the City has met its financial obligations to Grantee. However, the Grantee shall at all times own in fee and maintain, in accordance with a signed Institutional Network Maintenance Agreement which is attached hereto as Exhibit A and incorporated herein by reference, the aerial and underground fiber optic cable and associated facilities and equipment up to the termination points where physically connected to City-owned optronics.

(B) Appropriate uses of the I-Net include, by way of example and not limitation:

- (1) High-speed two-way transmission of GIS and other data to and from City departments and to and from the facilities of other Qualified I-Net Users;
- (2) Transmitting live and stored instructional materials (whether in the form of data, video or otherwise) for distance learning and staff training purposes to and from Qualified I-Net Users;
- (3) Providing videoconferencing among municipal and educational locations and to other locations for municipal and educational purposes;
- (4) Linking the public library and providing terminals at library locations that allow members of the public to access library databases and other remote databases for noncommercial purposes;
- (5) Providing for remote origination of Access programming;
- (6) Facilitating connections for telephone systems, security systems and other critical public entity communications applications, so long as such systems are not providing Telecommunications Service;
- (7) Providing videoconferencing and data transmissions between public health care facilities; and
- (8) Providing other services such as remote permitting, arraignments; and voice traffic to and from City and educational facilities.

12.4 I-Net Components

The City shall provide to Grantee a document which specifies certain initial sites to be served by the I-Net. The following I-Net components will be made available and selected by the City in cooperation with the Grantee in order to ensure the most efficient and cost-effective I-Net options. The parties intend that construction of the I-Net will be performed concurrently with the Upgrade of

Grantee's Cable System to the greatest extent possible in order to provide the most cost-effective I-Net construction.

(A) Backbone. An "I-Net Backbone" means those optical fibers that are integrated into the optical fiber portion of Grantee's Cable System, as well as those optical fibers that will extend from the integrated portion of Grantee's Cable system to the termination panel at the City's designated I-Net sites. The number of optical fiber strands constructed from the City's I-Net hub to each designated I-Net site shall be dependent upon the I-Net locations and uses selected by the City.

(B) Route. The City or the Qualified I-Net User will provide the route, including conduit where mutually agreed to, and the access rights from the property line of the I-Net site into the facility's termination panel location. Efforts will be made by Grantee and the City to ensure that the I-Net distribution system and drops share common paths with the Grantee's Cable System where it is possible to do so, in order to minimize costs to the Qualified I-Net Users. This portion of the I-Net will be owned and maintained by Grantee.

(C) Network Equipment. Grantee shall not install or be responsible for any I-Net end user equipment past the Demarcation Point on the termination panel at each I-Net site, unless through a separate agreement with the City or other Qualified I-Net User.

12.5 Determination of I-Net Costs

The City shall fund the following in return for Grantee's construction of the I-Net, and may use the Capital Advances and Capital Contribution referenced in Sections 9.6 and 9.7 of this Franchise:

(A) Base Construction Cost. The "Base Construction Cost" is the direct incremental cost of labor and materials that Grantee incurs in the construction, installation, and initial testing of the I-Net, as specified below:

(1) Costs of necessary materials to construct the I-Net from the City's hub to each I-Net site Demarcation Point. Grantee will use the same procurement process for obtaining separate I-Net fiber optics and related components as it uses to acquire similar materials for its Cable System, in order to provide the materials to the City in the most cost-effective manner; and

(2) The allocated portion of any additional fiber optics and related materials installed on an Incremental I-Net Backbone; and

(3) Reasonable and verifiable payments made by Grantee to contractors specifically for I-Net construction; and

(4) Actual wages and salaries of Grantee's employees performing construction of the I-Net, for such part of their time as is employed specifically on the I-Net; and

(5) Other costs incurred on the relevant portion of the I-Net in the performance of the work if and to the extent approved in advance in writing by the City.

The City shall not be charged for any indirect costs, except that twelve and a half percent (12.5%) will be added to the total of the costs specified in subsections 12.5 (A) (3)-(4) to cover the compensation of Grantee's employees and contractors who are involved in the design of the I-Net and other I-Net work whose time cannot be directly measured against the project, as well as to cover those miscellaneous expenses items which are not directly quantifiable. This twelve and a half percent (12.5%) figure shall be part of the "Base Construction Cost."

The Base Construction Cost shall not exceed the I-Net site costs as described in the Attachment to Exhibit A.

(B) Any unpaid balance shall bear interest at the prime rate plus two percent (2%) per annum. In order to reduce or eliminate interest payments owed to Grantee, the City may pay at any time any portion of the costs without penalty.

12.6 I-Net Construction

(A) Grantee shall, in consultation with the City, incorporate the I-Net optical fiber strands into its existing network where feasible, its upgrade design and the design of other major construction activity. The initial I-Net design shall be completed by Grantee and provided to the City on or before the Franchise acceptance date. As part of the completed design, Grantee shall provide the City with cost estimates pursuant to subsection 12.5, and maps showing the proposed design routing, for each identified I-Net site. The City shall have thirty (30) days from receiving the preliminary cost estimates and maps to give final approval thereof to Grantee. The City may require Grantee to make changes to ensure that the design is consistent with the City's requirements.

All of Grantee's design engineering costs associated with cost estimates will be paid by the City. If the City does not act within the thirty (30) day period, Grantee may proceed with the upgrade or other major construction of the Cable System that encompasses the I-Net sites in question and shall not construct the I-Net design submitted. The City may later direct the Grantee to construct that portion of the I-Net in accordance with subsection 12.7. If the City orders changes to the design, the City shall have fifteen (15) days from receiving the modified cost estimates and design to approve the same. If the City does not act within the fifteen (15) day period, Grantee may proceed with the upgrade or other major construction of the Cable System for that phase and shall not construct the modified I-Net design submitted. The City may again later direct the Grantee to construct that portion of the I-Net in accordance with subsection 12.7. The City shall act at all times in an expeditious manner so as not to delay the upgrade or other major construction to the Cable System.

(B) The City may direct Grantee to construct or not construct any specific portions or segments of the I-Net up to the point where Grantee begins construction of the area where such I-Net portion is located. If the City wishes to add or delete sites after construction has commenced, the City shall submit its change order requests in writing to Grantee, and Grantee will make the changes and complete them as part of the construction of the Cable System. The City shall pay any additional costs caused by the change order, in addition to incremental costs. After receiving a request for a change order, Grantee promptly will provide the City with an estimate of the costs

including the requested changes. If the City then directs Grantee to proceed with the change, Grantee will make the change.

(C) Completion. The construction of the I-Net shall be substantially completed concurrent with Grantee's completion of the Cable System upgrade or other applicable major construction project.

(D) I-Net Fiber Optic Testing/Certification/Acceptance. All I-Net optical fibers installed either on an incremental build or separate build will be tested in accordance with Comcast's standards. OTDR and OLT (attenuation) bidirectional testing will be performed, and the results will be provided in the final documentation package. Tests will be conducted from demarcation point to demarcation point, which is typically from the City hub to the I-Net site. Industry standards for loss and attenuation will determine the acceptable loss of a given link (.25dB/connector; .1dB/splice; .35dB/km-1310nm; .25dB/km-1550nm). A copy of the documentation shall be provided in an electronic format that may be viewed or printed with standard office applications or software provided by Grantee.

Grantee shall notify the City at least ten (10) days prior to the date at which Grantee plans to certify and document the integrity of the I-Net fiber backbone through testing and verification. The City or its designee, shall have the option of attending any test conducted pursuant to this subsection. The City shall also have the option of conducting a physical inspection of the construction taking place in the Right of Way or on City property or other property used by the City, provided that this inspection should not include touching, moving or manipulating the fiber or the bulkhead, and provided further, that this inspection is conducted prior to the date of the Grantee's planned testing. A copy of the test results and documentation shall be provided to the City. If the test results or physical inspection do not/does not indicate compliance with the standards provided for herein, Grantee shall perform repairs and retesting and take any other action necessary until the I-Net meets such standards and is accepted as completed by the City. Acceptance shall be in the form of a letter from the City to Grantee.

(E) Nothing in this Franchise shall be read to prevent the parties from agreeing to different procedures for I-Net construction as long as those procedures permit the I-Net to be constructed efficiently and cost-effectively, so long as agreed upon changes and procedures are documented and approved by both parties. Consistent with this goal, it is the intent of the parties to cooperate to minimize any delay in the Cable System upgrade or other major construction while providing sufficient time to permit the City to review and approve design plans and cost estimates.

12.7 Future I-Net Construction

Grantee and the City shall cooperate in investigating and considering options for expansion of the I-Net. The City may direct Grantee to investigate and provide cost estimates regarding expansion of the I-Net plant at any time throughout the term of this Franchise and any extension(s), transfer(s) or renewal(s) thereof. After receiving a request for additional I-Net work, Grantee shall provide the City with an estimate of the costs associated with the additional fiber I-Net work within forty-five (45) days. All of Grantee's design engineering costs associated with cost estimates will be paid by the City. If the City then directs Grantee to perform the work, Grantee will perform it. After the

completion of the initial I-Net construction, any additional I-Net construction shall be performed and completed within six (6) months after the City directs that the work be performed, unless the parties agree in writing to a different completion date prior to commencement of the work.

12.8 Warranties/Acceptance

The acceptance of any component of the I-Net, or reimbursement therefore, shall not waive any defect in the work or constitute acceptance of workmanship or materials not in compliance with the applicable design and specification requirements. Grantee shall provide in its contracts for warranties of the workmanship and materials which are satisfactory to the City and will provide for the enforcement of such warranties and for the correction of workmanship or materials which is not provided in accordance with applicable design and specification requirements or which is otherwise defective.

12.9 Payment

(A) Form of Invoice. Grantee shall prepare and submit a payment schedule for the costs, including details on the Base Construction Costs and interest charges, if any, pursuant to subsection 12.5. The City shall determine the method of funding, and the cost may be paid on either a one-time, monthly or an annual basis.

(B) Payment. At its discretion, the City may use the capital advances and Capital Contribution specified in subsections 9.6 and 9.7 of this Franchise for payment of the I-Net costs.

12.10 I-Net Service Standards.

Grantee shall be responsible for meeting the I-Net service and maintenance standards described in the Institutional Network Maintenance Agreement. Grantee shall maintain the I-Net fiber plant at a high level of reliability.

(A) The I-Net shall be considered as experiencing an "outage" when the City or another Qualified I-Net User cannot, because of a problem resulting from the failure of any Grantee-provided fiber optic cable or an associated component, transmit video, voice and/or data communications to, from and/or on the I-Net.

(B) "Outage" conditions shall not include (i) service problems resulting from City-owned or Qualified I-Net User owned or installed equipment or facilities, (ii) infrequent scheduled preventive maintenance as long as the City and other Qualified I-Net Users are notified at least five (5) business days in advance; or (ii) *force majeure*.

12.11 No Other I-Net Costs

The parties agree that there shall be no charges for the I-Net provided by Grantee, other than those charges specified in this Section 12 and in the Institutional Network Maintenance Agreement. The parties also agree that any costs to the Grantee associated with the I-Net are not Franchise Fees.

PEG/I-NET FACT SHEET Questions and Answers

*Prepared by the City of Marysville
March 2007*

The current cable television franchise between Comcast and the City of Marysville became effective in November 2003. The renewed franchise brought with it several changes from the previous franchise in how the governmental access channel, and newly acquired educational access channel, are to be administered and funded.

Q: What are PEG and PEG Access?

A: PEG is the Acronym for **P**ublic Access, **E**ducational Access and **G**overnmental Access, collectively. Access channels are made available by Comcast as an obligation of its current cable franchise with the City of Marysville. Federal law allows franchise authorities such as the City of Marysville to request access channels as part of the franchise agreement. To clarify, “PEG” is used throughout this document as a generic term familiar within the Cable and Telecommunications industry, even though the City of Marysville provides only the (E) Educational and (G) Government access, but not (P) public access.

Access under the franchise means the availability of access channels for non-commercial use by public agencies. Separate policies and procedures for cablecasting and use of the public bulletin board are explained in more detail for institutions, organizations, groups and individuals in the Marysville community.

Q: How is PEG Access funded in Marysville?

A: During the term of the current Franchise Agreement (November 2003-November 2014), Comcast collects \$1.00 per Residential Subscriber who receives a bill in the City of Marysville (i.e. does not include bulk account such as for multiple dwelling units) for **capital** support of PEG Access and construction and implementation of the Institutional Network (fiber network connecting public facilities within the franchise area). These funds may not be used for operational costs. (Restrictions on the use of these funds and the reporting requirements to Comcast are outlined in **Section 9.6**, “Access or I-Net Support Grants”, and **Section 9.7**, “Capital Contribution” of the City agreement.)

Government access channel – Marysville TV21 – is funded by the City of Marysville.

Educational access channel – Channel 26, Managed by the City and operated by Marysville-Pilchuck High School/Marysville School District.

Q: How is access funded and operated in other communities?

- A. The funding mechanisms for public access vary from community to community. In some communities all three "legs" of PEG Access are operated by a non-profit corporation which receives a portion of its funds from local government as paid from a portion of the franchise fees paid by the cable operator. In some communities local government operates public access. In other communities around Washington State there is no public access; only government and/or education. Some public access operations are partially funded by grants and/or partnerships between education and the private sector. Some operations charge a usage fee to help fund operations. Some access operations are funded in part from interest earned from funds originally granted by earlier cable franchises.

City of Everett	Capital contribution- \$300,000	\$1 per mo./per sub.–	No I-Net
City of Port Angeles	\$60,000 + \$12,000 p/year for 5 years.	0 per mo.	Yes I-Net
City of Redmond	\$200,000 up front.	Yr. 1- \$.25, yrs 3-4, \$.50	Yes I-Net
City of Vancouver	1\$ per mo./per sub.		Yes I-Net
City of Bellingham	PEG channel, allow 2 with up to 5.	\$375,000 \$1.25	Yes I-Net

Cable companies are no longer agreeing to a \$1 per mo./per sub. fee in its current franchise negotiations with other municipalities. Typically, the companies are agreeing to a maximum of \$.25, and agreeing to provide limited upfront capital grants. Big cities that have implemented I-Nets are saving 100s of 1000s of dollars, while cities our size that build and deploy I-Nets are saving 1000s of dollars a year.

The cable industry used to regularly supply cities, through a franchise agreement, with “capital contributions” money to fund these channels and I-Nets, for in-kind contributions and capital equipment needs/

That is how we currently have a governmental access channel, 21, and the equipment to operate it. Without cable company funding, we would not have a channel at all, which is true of all communities that choose to operate access channels, with programming.

In the late 1990s, federal cable act laws changed to enable cable companies to show any capital contributions/equipment needs they had agreed to to be shown as a “pass-through,” or “external charge” on cable subscriber bills, typically a line that says “PEG fee,” “I-Net fee, or “PEG/I-Net fee,” the latter of which Marysville has. An entirely separate fee that is paid to the city is a 5% fee on company gross revenues. This is the fee paid to the city so the company can provide cable services within the city, and it pays for privilege of cable company to use the city’s valuable public rights-of-way.

Q. What types of community programming appear on the Marysville channels?

- A. TV21 periodically airs 2-8 hours of programming a day, which currently consists of Project Impact, a King County Emergency Management Series; Wild About Washington, Greater Marysville Tulalip Chamber of Commerce forum breakfasts,

and the Tommie Talk interview program if we receive it from the high school. Other programming we have aired in the pass is available but in DVD format, equipment which we do not currently have.

The majority of time on TV21 remains dedicated to an informational bulletin board until such time as we are able to develop more locally-produced programming. The bulletin board provides viewers with meeting agendas for the City Council, traffic advisories, special meeting notices and general information.

Q: *What is the difference between franchise fee payments and “Capital Contribution Funds” paid by Comcast to the City?*

Franchise fee payments are made by the cable operator at the rate of 5% of its gross revenues derived from the operation of the cable system to provide cable service in the franchise area in exchange for installing its lines and equipment in the public right of way. These payments are made to the City based upon where such revenues are derived. The franchise fees are part of the City General Fund that supports a variety of public services. There are no legal restrictions or requirements on how franchise fees may be expended by local governments.

The “**Capital Contribution**” fund, or “**Marysville Technology Infrastructure Fund**” as it is known here, may only be used for capital expenditures related to Government (G) or Educational (E) cable access programming and certain costs related to the Institutional Network.

Q. *What is the “I-NET”?*

- A. The Institutional Network, or I-NET, is a fiber optic network that is part of the upgraded cable system. It is capable of providing high speed voice, video and data. The I-NET, under the terms of the franchise agreement, is only for the use of PUBLIC agencies (i.e. government and education). Under the terms of the franchise agreement, PEG Capital Support Funds may also be used for costs associated with the I-NET, consistent with federal policies and regulations. Current I-NET participants are the City of Marysville and Marysville Fire District. Marysville School District does not participate at this time; fiber has been extended to the school district service center, but it not “lit.” The possibility of future participation exists, however, if parties show interest at a later date.

The franchise agreement does not stipulate a funding formula to differentiate between I-NET and PEG capital uses.

The I-NET infrastructure has demonstrated its value, cost-effectiveness and efficiency with the installation of a partial Voice over Internet Protocol (VoIP) phone system. The system routes phone calls via a broadband internet connection from a computer instead of a phone line or cell phone. Studies show that VoIP equipment costs 70 percent less than traditional voice equipment and 50 percent less to maintain. Data-access lines cost up to 80 percent less than voice lines.

Q: *How much money was collected in the PEG/I-Net Capital Support Fund as of February 2005?*

A: The cable operator began collection of the \$1/month per subscriber fee in November 2003, which was advanced in the form of a Capital Contribution totaling \$88,000, most of which was spent toward paying of the I-Net. As of February 2005, the City of Marysville had received \$166,000 in PEG/I-Net Capital Fund Contribution grants. Funding from that point forward has been submitted to the City on a quarterly basis.

Q: *What is the value of the I-Net as it relates to economic development?*

A: Technology infrastructure and economic development policies created to take advantage of it help to determine a region's future. Communities that integrate technology into their strategies and plans have a distinct edge over those that play catch-up.

Physical infrastructure such as fiber optic or wireless networks, or e-government, demonstrates to the business community that Marysville is serious in its efforts to be a “wired” city for the benefit of its citizens, businesses, customers and prospective businesses.

It should be recalled that the I-NET that connects our public buildings and facilities cost between 50-70% less than it would have cost us to build it privately, or on our own. The I-NET was built at marginal cost as part of the Comcast cable system upgrade in Marysville.

Applications-wise, the I-NET isn't going to attract high-tech businesses directly; the real benefits will be in helping industries within your community use technology we build in to make them more efficient

Another thing to keep in mind is that in the future, the national Office of Homeland Security may devise requirements at the local government level in the form of unfunded mandates, which would require we have a more developed emergency communications system. The I-Net, and having built one ahead of time at a much lower cost, will prepare us for any such eventuality.

Building the I-Net fiber-based network now (and meeting the needs of the city's government access channel and educational channel) will put less pressure on our elected leaders in the future to raise taxes to pay for network services that are critical.

Q: *When will the City's I-Net be completely paid off?*

A: The I-Net should be fully paid off in spring 2007.

Q: *Does the City Council have the latitude to change the amount of the per-subscriber monthly fee?*

A: Yes. City staff and cable consultant River Oaks included a clause in the franchise that enables the Council to reduce the fee, at its request.

Q: *What was the purpose of staff going to the City Council in 1993 to retain acceptance for the \$1 per mo./per sub prior to adopted new cable regulations?*

A: The City and cable consultant had reached a point in cable franchise negotiations with Comcast when the cable company was beginning to purchase the materials for a full fiber-optic upgrade of their entire system in Marysville. In order to take advantage of reduced costs for the city's portion of the work and equipment, we needed to act fast. At the time, we emphasized the urgency of securing the green light to seek the \$1 per mo./per sub. as it related to the I-Net, but at the same time we stressed that the \$1 would be essential to meeting capital improvement needs for the access channels.

Q: *What are eligible costs ?*

A: Only capital costs are eligible for funding under the PEG Capital Support Fund program. Capital costs are defined as:

1. Having an acquisition or construction cost of over \$5,000;
2. Having a normal life expectancy of at least one year;
3. A one-time expense/project; and
4. Resulting in a fixed asset.

B. All PEG cable programming projects must utilize, or be related to the use of, cable system bandwidth or channels. Eligible projects include production facilities and equipment used to produce access programming over the residential cable system. Support equipment may also be eligible (such as computers).

C. Eligible I-NET projects for applications include Videoconferencing equipment to be used to transport video over cable system infrastructure; Electronic equipment used to transport voice or data over the cable system infrastructure; Support equipment (such as computers). Transport charges for the I-NET are also eligible for PEG Capital Support Funds under the terms of the franchise agreement with Comcast.

Q: *What are the immediate needs of the cable access channel?*

A: The TV Advisory Committee recommended \$11,500 in FY 2005 for capture and editing upgrades compatible with the existing government access channel, TV21, as the first step in conversion from video to a high-definition/DVD system. Hardware would include an Apple Power PC G5, software; Final Cuts Pro HD and DVD Studio Pro. This equipment will also be able to convert video signals to video-streaming formats that can be used on the city web site. The Cable Television Advisory Committee in 2006 developed a

Cable Access Television Capital Improvement Program seeking \$59,565 toward equipment necessary to convert the Government Access Channel to a digital format. This 2007 Program Request had not reached the level of review necessary to be incorporated into requests during Council's 2007 budget workshops.

Q: *What impact will removing the \$1 per mo./per sub. "pass through" fee have on access channel operations?*

A: It will remove the sole funding source for capital needs established to expand and improve the city's cable access channel(s), and to keep up with future technologies. In addition, a \$6,600 maintenance fee for the I-Net will be a recurring annual cost over the life of the franchise. Without the fee, this money would have to come directly from the city's General Fund.

The city in years 1996-98 fought to obtain a 3-year \$50,000 capital grant from the cable company to add video and video editing equipment that greatly improved the quality of programming on Channel 21. The equipment itself is becoming antiquated and obsolete with the new digital and video-related technological innovations that are emerging today.

Q: *Who determines the number and type (P, E or G) of Access Channels under the current Franchise?*

A: The total number of Access channels is determined by the franchise agreement between Comcast and the City of Marysville.

There is no pre-assigned designation of Access Channels (P, E or G) under the current franchise. The Franchising Authority (City of Marysville), with the advice of the Marysville Cable Television Advisory Committee, determines the use and designation of Access Channels.

The City may require Comcast to activate an additional channel (1) for each category (governmental and educational), depending upon channel usage criteria explained in Section 9.3 of the current Franchise Agreement.

Q: *What is the Marysville Cable Access Television Advisory Committee and what is its role in the administration of PEG Access and distribution of PEG Access Funds?*

A: The Marysville Cable Television Advisory Committee was reinstated in 2004. The seven-member Committee is a group of seven citizens authorized under Chapter 2.10 of the Marysville Municipal Code to administer and implement compliance of cable-related ordinances, resolutions and cable franchises authorized by the City.

The Committee has many authorized duties, including primary responsibility for advising the City regarding public, educational and governmental access programming, allocating access funds and for submitting written reports and

recommendations to the City Council, and to work with all parties involved and the public to encourage maximum feasible use of access channels by authorized institutions, groups, and individuals in the community.

The Committee does not have advisory powers related to the I-Net.

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Institutional Network (I-Net) Report

City of Marysville

May 8, 2002
(revised April 16, 2003)

Executive Summary

Prepared by Doug Buell

A fiber optic Institutional Network (I-Net) can provide an opportunity for the City of Marysville to develop new and improved means of communications with citizens, students and businesses that are dependent upon the City for prompt, efficient access to information and municipal resources.

The term "I-Net" refers to a communications network built by the cable operator and designed primarily to serve non-residential users. An I-Net can provide links among schools, government departments and agencies so that these organizations can communicate more effectively both internally and through links to external networks such as the Internet. A properly designed I-Net can transmit large amounts of data very quickly -- far more quickly than current methods such as dial-up phone lines, or even dedicated T-1 lines. An I-Net can also be linked to the Internet. The speed with which a school or agency can access information on the Internet is, in part, determined by the speed of its connection to the Internet. An I-Net can link many sites to a powerful on-ramp to the Internet.

An I-Net can provide the City with an opportunity to develop a telecommunications infrastructure that furthers the availability of various multimedia information resources to the community. An I-Net can provide:

- * Opportunities for more open government
- * Enhance educational opportunities throughout the community
- * Provide public access to the additional information resources
- * Dramatic improvement in public services
- * Build a stronger community.

Cities today are challenged to provide more timely, accurate information to citizens and the business community. An I-Net can improve City services provided to citizens such as permitting, traffic control, and access to information such as Council agendas, ordinances and other documents, (some of which we are now doing but could expand upon). An I-Net can provide citizens with alternative locations to access City services by linking schools, libraries and City facilities back to the information source, whether the source is City Hall or the Fire District or the Internet. Information resources can be shared between interconnected facilities. This availability can attract residents and businesses and facilitate growth in the City.

A well-architected I-Net is not limited to transmitting data. It can also be used for transmitting traditional video signals; two-way (interactive) video; video monitoring functions; point-to-point or point-to-multipoint data and video transmissions; and voice applications. An I-Net can also eliminate the need for leased PBX phone lines now used by our municipal government for these purposes. Because an I-Net can also be linked to the residential cable subscriber network, signals originating at a government office or school, for example, could be sent to a residential cable television subscriber via a "government access channel" or "educational access channel," respectively. Distance learning programs can be established using the I-Net and can even be extended to residents through the link to the cable television system.

Comcast Corp. provides cable television services to the City of Marysville through a franchise agreement between the City and Comcast, which is currently being renegotiated. Under federal law, the City may request from the cable operator in-kind contributions and capital grants or contributions in support of an I-Net. In recent years there has been an upsurge in municipalities requiring I-Nets, in large part due to advances in fiber optic technology and the substantially increased capacity and reliability a fiber optic I-Net can provide. Larger cities are saving 100s of 1000s of dollars through the construction and usage of fiber-based I-nets, while cities the size of Marysville are saving taxpayers 10s of 1000s through agreements negotiated with cable purveyors. Among the municipalities across the country who have obtained I-Nets are Tucson, Az.; Cincinnati, Ohio; New York City; Santa Clara, Calif.; and several in the Washington, D.C. area. In the Pacific Northwest, Vancouver, Tacoma, Richland and many communities in the Greater Portland area have I-nets, as well as King County. Bellevue and Redmond are currently working to develop I-nets. Many of these agencies have negotiated successfully for "dark fiber," which is optical fiber, dedicated to a single customer and where the customer is responsible for attaching the telecommunications equipment and lasers to "light" the fiber. Fiber optics are connected at both ends to municipally-operated facilities.

Franchise negotiations now under way with cable operator Comcast open a window of opportunity to rebuild the cable system infrastructure using fiber optic cable. The rebuild is scheduled to be done in 2003. As the cable operator is rebuilding the cable system to provide new services to the subscribers, new fiber optic plant will be constructed. The cost of a fiber optic network is primarily in the construction, so the cost of adding additional fibers for the City in the fiber bundle is relatively minimal. Therefore, if the City negotiates for fiber for an I-Net, the incremental cost of this fiber would be substantially less than the cost to the City of building its own separate telecommunications network, whether as a single project or running fiber to buildings piecemeal over time. The time to do it is sooner than later, as construction cost will only increase in the future.

In a "dark fiber" arrangement, the cable operator is responsible for providing and maintaining the outdoor physical fiber optic plant for the life of the franchise. The City and its contractors are responsible for the electronics that are connected to the ends of the fiber optic cable to make it functional. In some cases the expense of the equipment is offset by grants from the cable operator, but more often than not, the cost is met via a "pass through" or external PEG/I-net fee assessed monthly to cable subscribers within the franchise area. Nationwide, this fee can range anywhere from \$.50 to \$2.00, but generally is \$1.00. This charge not only meets the needs to build and maintain an I-net; it represents the sole capital support for equipment, maintaining and operating a community's access channels, such as the government access channel that Marysville currently operates, and the educational access channel that will be granted to the city through the current franchise renewal process.

The scenario illustrated above will allow the City the most flexibility in development of I-Net functionality, designed using the architecture that will enable the City to take advantage of new voice, video and data communications applications that are beyond our existing network's capability to utilize.

City staff have worked diligently with Cable Consultant River Oaks Communications Corp. and Comcast to determine the existing and future telecommunications requirements of the City, and to develop a plan for an I-Net to meet those requirements. City department heads and School District officials were polled in January 2002 to determine needs for an I-net. Results from polling and discussions with representatives from City government and the School District have determined that these organizations have increasing needs for voice and data connectivity and

high-capacity network applications such as interactive video and high-speed access to on-line services. The proposed fiber-based I-net will meet these needs.

Results from a draft cable community survey now being reviewed reports that 73% of those polled in Marysville have personal computers in their homes, that 84% among them subscribe to an online Internet service, and 60% overall said it is "very important" or "important" for the City to have access to fiber optic cables. The results suggest that Marysville is fast becoming a "wired" city.

A City-wide I-Net using fiber optic technology can deliver the necessary capacity, provide an opportunity for new applications to be implemented, and reduce the City's need for leased telecommunications circuits.

City staff have identified candidate government sites that might be served by an I-Net as part of the Comcast system rebuild. The I-Net sites will be near or on the routes planned for fiber optic installation in the system rebuild, and the cost of adding additional fiber in a cable is small relative to the construction of a new network. Therefore, the Comcast rebuild presents a unique and valuable opportunity to interconnect facilities spread throughout the City.

A well-designed I-Net will be able to support a substantially increased magnitude of data, video, and voice services, for the e-government we want to provide, including:

- * Increased use of the Internet by City agencies and library and school users;
- * Internet telephony as a cost-effective alternative to leased PBX phone lines;
- * A secure, stable network capable of enabling on-line city customers to pay utility bills and an assortment of fees via the Internet, laying establishing a fiber-based transportation network that compliments the city's new MUNIS finance/billing system, mindful of the necessity to protect personal, private customer data;
- * Distributed use of high bandwidth applications such as geographic information systems (GIS) at locations throughout the City;
- * Immediate download of graphic-intensive GIS information to Mobile Data Terminals on police, fire and emergency calls;
- * Use of software applications for staff to collaborate on projects across City departments and between buildings;
- * Increased use of e-mail, voice mail, payroll, human resource, public safety, and financial management electronic information;
- * allowing for the paperless exchange of requests for proposals, purchase orders, invoices and payments, a proven way to cut administrative expense.
- * Traffic signal control and monitoring;
- * Use of interactive video services for police and fire staff to remotely participate in meetings and training exercises while remaining in service at their stations, for video arraignment and court hearings, for video conferencing to reduce staff travel time, and for residents to reach City resources from kiosks in a City or public building or from their homes;
- * And minimized use of leased telecommunications circuits;
- * Searches of Internet archive of City and County Council meetings or other public meetings and watch a taped meeting at your convenience;
- * Capture a community's history and engage students and senior citizens with oral and video history interviews with local residents to be stored on video and audio servers;
- * Broadcast community sporting events, concerts, public meetings, and after-school plays and art exhibitions with live videoconferencing;
- * In the classroom, live, interactive interviews or talks with City elected officials and department heads;

- * High-speed large volume data transfers such as videos, software and large databases;
- * Potential for shared uses related to emergency dispatch communications in the event that the federal Office of Homeland Security devises security requirements at the local government level, in the form of unfunded mandates.

In summary, if the institutional network is constructed in coordination with the Comcast rebuild, there is a potential cost savings relative to the cost to the City of building a network without coordination with the cable operator.

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: Recovery Contract (Water) for Nathan Kelley – Hidden Quilceda Estates	AGENDA SECTION:	
PREPARED BY: Deryl Taylor, Development Services Technician	AGENDA NUMBER:	
ATTACHMENTS: <ul style="list-style-type: none"> • Water Recovery Contract • Exhibit A – Vicinity Map • Exhibit B – Parcel Map • Exhibit C – Property/Cost Sheet 	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

This Recovery Contract establishes a fair fee for latecomers benefiting from a 10” water main located on 122nd Place & 54th Drive NE.
 The recoverable amount of this Recovery Contract is \$65,361.25.

RECOMMENDED ACTION: Public Works and Community Development staff recommends approval.
COUNCIL ACTION:

After Recording Return to:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

**CITY OF MARYSVILLE
CONTRACT FOR RECOVERY OF UTILITY CONSTRUCTION COSTS
CONTRACT NO. _____**

THIS AGREEMENT, entered into by and between the CITY OF MARYSVILLE, a municipal corporation of the State of Washington, hereinafter referred to as "City," and

<u>Name</u>	<u>Address</u>
Nathan Kelley	12412 54 th Drive NE Marysville, WA 98271

hereinafter referred to as "Developer."

WITNESSETH:

WHEREAS, the Developer has constructed and installed a water (water, sewer, or storm drainage) system, including a(n) 10-inch line and appurtenances situated as follows:

Approximately 990 LF of 10" offsite water main located on 122nd Place NE & 54th Drive NE serving the Plat of Hidden Quilceda Estates.

WHEREAS, the Developer has conveyed said system by Bill of Sale to the City and the City has accepted ownership and maintenance of the same under its sole jurisdiction, subject to a one-year warranty by the Developer; and

WHEREAS, the parties desire to enter into a contract pursuant to Chapter 35.91 RCW providing for reimbursement to the Developer for its construction and installation costs by subsequent users of the system; NOW, THEREFORE,

IN CONSIDERATION of the covenants bargained for and given in exchange, the parties mutually agree as follows:

1. The Developer has furnished or shall furnish the City with an as-built drawing of the installation of the above-referenced system on mylar, 24" x 36" in size, together with receipted bills showing that all charges and expenses incurred in connection with the installation have been paid.
2. The Developer's costs for construction and installation of said utility lines and facilities, including engineering fees, were \$85,808.00, which have been paid in full by the Developer.
3. The real property described below (or described in the exhibit attached hereto) is benefited by the installation of said utility lines, and is subject to the lien created by this Contract:

Fourteen properties located in the NW Quarter of Section 10, Township 30 North, Range 5 East, W.M. Tax parcel #'s 004184-000-001-00, 004184-000-002-00, 004184-000-003-00, 004184-000-004-00, 004184-000-005-00, 004184-000-006-00, 004184-000-007-00, 004184-000-013-00, 004184-000-014-00, 004182-000-001-00, 004182-000-002-00, 004182-000-003-00, 004182-000-004-00, 004182-000-009-00.

4. The proportionate share of the total cost of the utility lines which may be fairly attributed to serving and benefiting the above-described property, as a whole, rather than serving and benefiting the property of the Developer, is \$65,361.25.

5. For a period not to exceed fifteen (15) years from the date of this agreement, the City agrees to require the owners of the above-described real estate who hereafter connect to the above-described utility system to pay a fair pro rata share of the cost referred to in paragraph 4 above. This fair pro-rata share shall be determined from the length of the street frontage of the property to be served, which is known as the "front footage charge." This, however, does not include any other capital improvement charges levied by the City, whether it be by square footage of the area served, and/or a flat fee. No property extending beyond the terminus of the above-described system, as of the date said system has been accepted by the City, shall be served by said system unless there is an extension from said terminus which is constructed and financed in accordance with state and local laws and ordinances.

6. The fair pro-rata share is hereby established to be \$39.28 per lineal foot of frontage.

7. No person, firm or corporation shall be granted a permit or be authorized by the City to connect to or use the above-described utility system during said fifteen-year period without first meeting the following conditions:

- a. If the property is not within the City limits, the owner thereof must sign an annexation covenant as required by City ordinance.
- b. Payment of all applicable connection charges, fees and assessments regularly imposed by City ordinance.
- c. Payment of the recovery charge referred to in this Contract.
- d. Compliance with all requirements for utility connections which are regularly imposed by City ordinance.

8. The City shall deduct a fee of \$50.00 for each utility connection, said fee to be kept by the City to cover the cost of administering this Contract. The City shall then disburse the remaining balance which is collected for each connection to the Developer within thirty (30) days of receipt thereof. If the Developer shall hereafter assign its rights herein, the City shall be provided with a signed copy of such assignment by the Developer. The Developer hereby waives any claim which it or its successors or assigns may have if the City negligently fails to collect a reimbursement charge from a property owner connecting to the utility system.

9. At the end of the fifteen-year period, which shall commence upon the recording of this agreement, this agreement shall terminate in and of itself, notwithstanding that the full amount provided for herein may not have been recovered. Connection charges subsequent to the termination of this agreement shall be governed by ordinance of the City of Marysville, and all such charges shall be paid to the City for its use and benefit.

10. The provisions of this Contract shall not be construed as establishing the City as a public utility in the areas not already connected to the utility system; nor shall this Contract be construed as establishing express or implied rights for any property owner to connect to the City's utility system without first qualifying for such connection by compliance with all applicable City codes and ordinances.

11. The Developer agrees to hold the City harmless from any and all liability resulting from errors in the legal descriptions contained herein, and the City is relieved of all responsibility under this agreement for collecting on parcels not properly included in the legal descriptions set forth in Section 3 of this contract.

12. This Contract shall be recorded in the records of the Snohomish County Auditor, and it shall be binding upon the parties, their heirs, successors and assigns. The Developer agrees to reimburse the City for the recording fee and for all legal fees and other costs associated with the execution and recordation of the agreement.

ATTEST:
By: _____
CITY CLERK

THE CITY OF MARYSVILLE:
By: _____
MAYOR

APPROVED AS TO FORM:
By: _____
CITY ATTORNEY

DEVELOPER:
Nathan R Kelley

Nathan R Kelley

For Mayor:

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that DENNIS L. KENDALL is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Marysville, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 20 ____.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

For Individual:

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Nathan Kelley is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 14th day of March, 20 07.



Teri D. Bell-McCann
Teri D. Bell-McCann
(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at Snohomish County
My commission expires May 2010

For Representative or Company:

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that _____ signed this instrument, on oath stated that _____ was authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 20 ____.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

THE CITY OF MARYSVILLE DISCLAIMS ANY WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS OF THIS DATA FOR ANY PARTICULAR PURPOSE, EITHER EXPRESSED OR IMPLIED, NO REPRESENTATION OR WARRANTY IS MADE CONCERNING THE ACCURACY, CURRENTCY, COMPLETENESS OR QUALITY OF DATA DEPICTED. ANY USER OF THIS DATA ASSUMES ALL RESPONSIBILITY FOR USE THEREOF, AND FURTHER AGREES TO HOLD THE CITY OF MARYSVILLE HARMLESS FROM AND AGAINST ANY DAMAGE, LOSS, OR LIABILITY ARISING FROM ANY USE OF THIS DATA.

- City limits
- Urban growth area
- Recoveries - lines
- Recoveries - areas
- Mixed-use overlay
- Neighborhood Business
- R8 Single Family High Small Lot
- R6.5 Single Family High
- R4.5 Single Family Medium
- Public-Institutional
- Recreation
- Open
- Undesignated
- DESIGNATION
- General Industrial
- Light Industrial
- General Commercial
- R28 Multi-Family High
- Community Business
- R18 Multi-Family Medium
- Business Park
- Water
- Sewer
- Main lines
- Water
- Sewer
- Road
- Annexation covenants
- New language
- FALSE
- TRUE
- Water
- Sewer

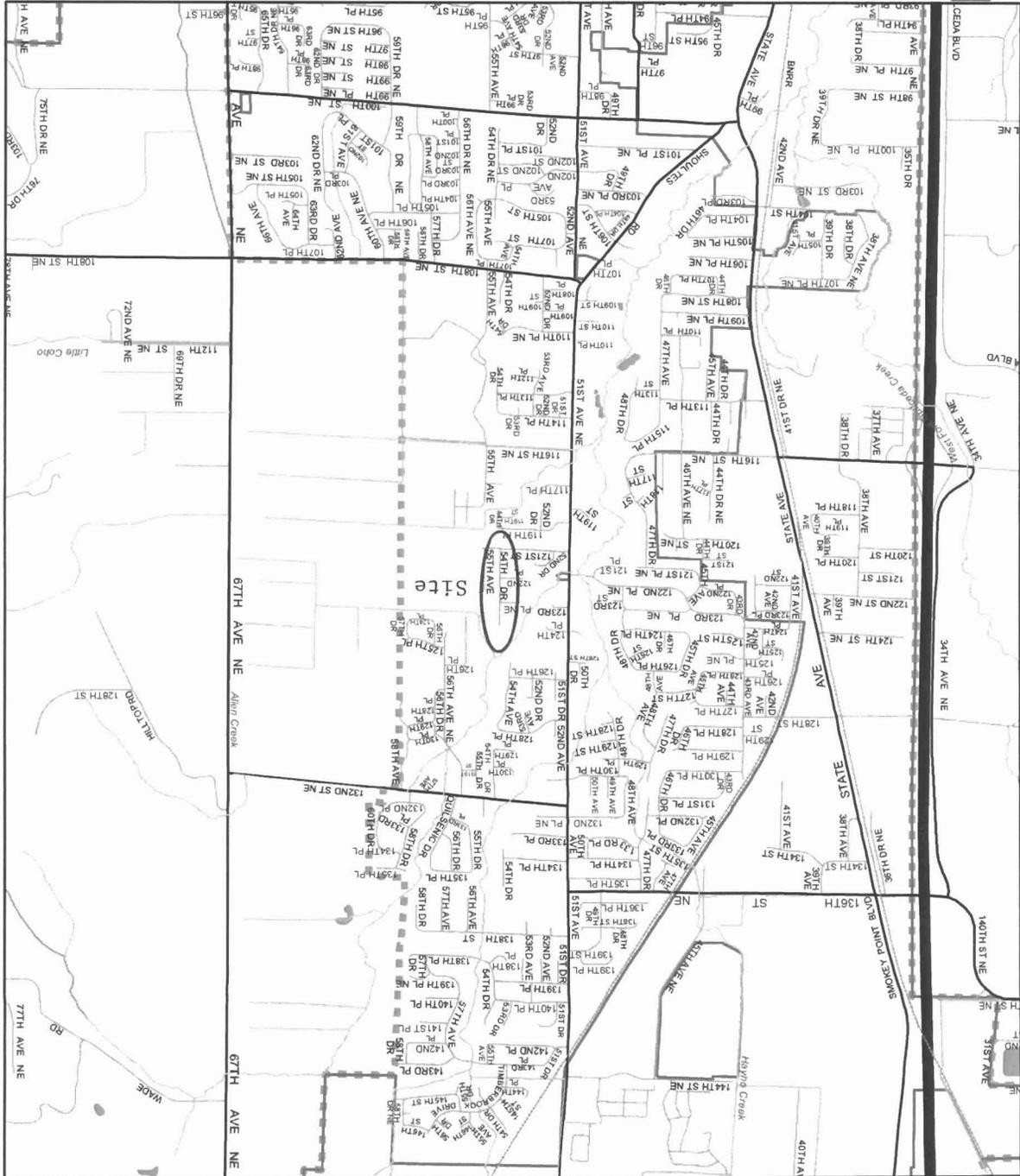
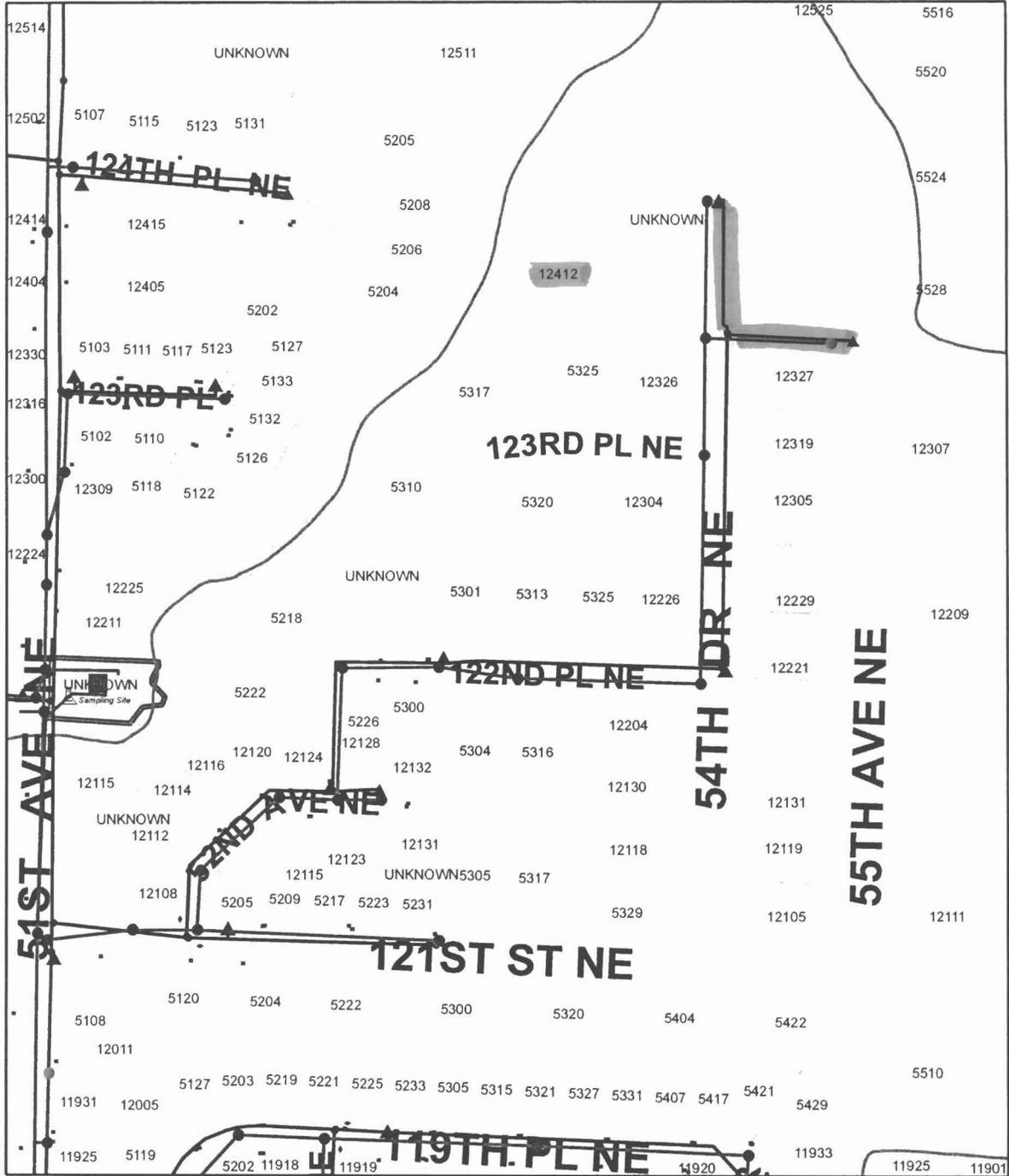


Exhibit A

Exhibit B



- | | | | | | |
|--|--|--|--|---|--|
| <ul style="list-style-type: none"> □ City Limits — Stormdrain Culverts □ Stormdrain Catchbasins ● Stormdrain Manholes ■ Stormdrain Detention Facilities — Stormdrain Lines | <ul style="list-style-type: none"> □ Sewer Service Area ● Sewer Cleanouts ■ Sewer Lift Stations ● Sewer Manholes — Sewer Lines — EXISTING — ABANDONED | <ul style="list-style-type: none"> □ Water Service Area — Water Lines — EXISTING — ABANDONED ● Water Meters ● Water Storage Facilities | <ul style="list-style-type: none"> ■ Water Pump Stations ■ Water PRVs ▲ Water Blowoffs ▲ Water Airvacs ● Water Valves - Other | <ul style="list-style-type: none"> Water Valves - Main POSITION ● CLOSED ● OPEN ● UNKNOWN ● Water Valve Markers ▲ Water Hydrants ● Water Sampling Sites | <ul style="list-style-type: none"> □ DNR Catchbasins (UGA) ● DNR Culverts (County) ▲ DNR Drain points (UGA) ● DNR Detention facilities (County) + DNR Cross sections (UGA) — DNR Drainage network (UGA) ● Adopt-a-stream culverts |
|--|--|--|--|---|--|

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Developer's Property
Benefiting Property
Water Main

Exhibit C

Hidden Quilceda Estates Water – Nathan Kelley

	Owner/Address	Parcel	LF	Cost \$39.28/lf	Date Paid
1	5301 122 nd Pl Lominick	004184-000-001-00	106	\$4163.68	
2	5313 122 nd Pl Doty	004184-000-002-00	106	\$4163.68	
3	5325 122 nd Pl Hagen	004184-000-003-00	106	\$4163.68	
4	12226 54 th Dr Hinricksen	004184-000-004-00	106	\$4163.68	
5	5304 122 nd Pl Mason	004184-000-005-00	124	\$4870.72	
6	5316 122 nd Pl Brodland	004184-000-006-00	100	\$3928.00	
7	12204 54 th Dr Everson	004184-000-007-00	200	\$7856.00	
8	12229 54 th Dr Ramirez	004184-000-013-00	108	\$4242.24	
9	12221 54 th Dr Robinson	004184-000-014-00	108	\$4242.24	
10	12327 54 th Dr Corley	004182-000-001-00	110	\$4320.80	
11	12319 54 th Dr Corley	004182-000-002-00	110	\$4320.80	
12	12305 54 th Dr Baldwin	004182-000-003-00	110	\$4320.80	
13	12304 54 th Dr McKeeman	004182-000-004-00	120	\$4713.60	
14	12326 54 th Dr McConnell	004182-000-009-00	150	\$5892.00	
	Subtotal - Recoverable		1,664	\$65,361.25	
	Developer's Share			\$20,446.75	
	Total Project Cost			\$85,808.00	

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: Recovery Contract (Sewer) for Nathan Kelley – Hidden Quilceda Estates	AGENDA SECTION:	
PREPARED BY: Deryl Taylor, Development Services Technician	AGENDA NUMBER:	
ATTACHMENTS: <ul style="list-style-type: none"> • Sewer Recovery Contract • Exhibit A – Vicinity Map • Exhibit B – Parcel Map • Exhibit C – Property/Cost Sheet 	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

This Recovery Contract establishes a fair fee for latecomers benefiting from an 8” sewer main located on 122nd Place & 54th Drive NE.

The recoverable amount of this Recovery Contract is \$76,445.25.

RECOMMENDED ACTION: Public Works and Community Development staff recommends approval.
COUNCIL ACTION:

After Recording Return to:

CITY OF MARYSVILLE
1049 STATE AVENUE
MARYSVILLE, WA 98270

**CITY OF MARYSVILLE
CONTRACT FOR RECOVERY OF UTILITY CONSTRUCTION COSTS
CONTRACT NO. _____**

THIS AGREEMENT, entered into by and between the CITY OF MARYSVILLE, a municipal corporation of the State of Washington, hereinafter referred to as "City," and

Name
Nathan Kelley

Address
**12412 54th Drive NE
Marysville, WA 98271**

hereinafter referred to as "Developer."

WITNESSETH:

WHEREAS, the Developer has constructed and installed a sewer (water, sewer, or storm drainage) system, including a(n) 8-inch line and appurtenances situated as follows:

Approximately 987 LF of 8" offsite sewer main located on 122nd Place NE & 54th Drive NE serving the Plat of Hidden Quilceda Estates.

WHEREAS, the Developer has conveyed said system by Bill of Sale to the City and the City has accepted ownership and maintenance of the same under its sole jurisdiction, subject to a one-year warranty by the Developer; and

WHEREAS, the parties desire to enter into a contract pursuant to Chapter 35.91 RCW providing for reimbursement to the Developer for its construction and installation costs by subsequent users of the system; NOW, THEREFORE,

IN CONSIDERATION of the covenants bargained for and given in exchange, the parties mutually agree as follows:

1. The Developer has furnished or shall furnish the City with an as-built drawing of the installation of the above-referenced system on mylar, 24" x 36" in size, together with receipted bills showing that all charges and expenses incurred in connection with the installation have been paid.

2. The Developer's costs for construction and installation of said utility lines and facilities, including engineering fees, were \$97,778.00, which have been paid in full by the Developer.

3. The real property described below (or described in the exhibit attached hereto) is benefited by the installation of said utility lines, and is subject to the lien created by this Contract:

Fifteen properties located in the NW Quarter of Section 10, Township 30 North, Range 5 East, W.M. Tax parcel #'s 004184-000-001-00, 004184-000-002-00, 004184-000-003-00, 004184-000-004-00, 004184-000-005-00, 004184-000-006-00, 004184-000-007-00, 004184-000-013-00, 004184-000-014-00, 004184-000-015-00, 004182-000-001-00, 004182-000-002-00, 004182-000-003-00, 004182-000-004-00, 004182-000-009-00.

4. The proportionate share of the total cost of the utility lines which may be fairly attributed to serving and benefiting the above-described property, as a whole, rather than serving and benefiting the property of the Developer, is \$76,445.25.

5. For a period not to exceed fifteen (15) years from the date of this agreement, the City agrees to require the owners of the above-described real estate who hereafter connect to the above-described utility system to pay a fair pro rata share of the cost referred to in paragraph 4 above. This fair pro-rata share shall be determined from the length of the street frontage of the property to be served, which is known as the "front footage charge." This, however, does not include any other capital improvement charges levied by the City, whether it be by square footage of the area served, and/or a flat fee. No property extending beyond the terminus of the above-described system, as of the date said system has been accepted by the City, shall be served by said system unless there is an extension from said terminus which is constructed and financed in accordance with state and local laws and ordinances.

6. The fair pro-rata share is hereby established to be \$45.50 per lineal foot of frontage.

7. No person, firm or corporation shall be granted a permit or be authorized by the City to connect to or use the above-described utility system during said fifteen-year period without first meeting the following conditions:

- a. If the property is not within the City limits, the owner thereof must sign an annexation covenant as required by City ordinance.
- b. Payment of all applicable connection charges, fees and assessments regularly imposed by City ordinance.
- c. Payment of the recovery charge referred to in this Contract.
- d. Compliance with all requirements for utility connections which are regularly imposed by City ordinance.

8. The City shall deduct a fee of \$50.00 for each utility connection, said fee to be kept by the City to cover the cost of administering this Contract. The City shall then disburse the remaining balance which is collected for each connection to the Developer within thirty (30) days of receipt thereof. If the Developer shall hereafter assign its rights herein, the City shall be provided with a signed copy of such assignment by the Developer. The Developer hereby waives any claim which it or its successors or assigns may have if the City negligently fails to collect a reimbursement charge from a property owner connecting to the utility system.

9. At the end of the fifteen-year period, which shall commence upon the recording of this agreement, this agreement shall terminate in and of itself, notwithstanding that the full amount provided for herein may not have been recovered. Connection charges subsequent to the termination of this agreement shall be governed by ordinance of the City of Marysville, and all such charges shall be paid to the City for its use and benefit.

10. The provisions of this Contract shall not be construed as establishing the City as a public utility in the areas not already connected to the utility system; nor shall this Contract be construed as establishing express or implied rights for any property owner to connect to the City's utility system without first qualifying for such connection by compliance with all applicable City codes and ordinances.

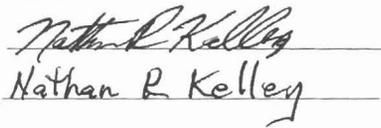
11. The Developer agrees to hold the City harmless from any and all liability resulting from errors in the legal descriptions contained herein, and the City is relieved of all responsibility under this agreement for collecting on parcels not properly included in the legal descriptions set forth in Section 3 of this contract.

12. This Contract shall be recorded in the records of the Snohomish County Auditor, and it shall be binding upon the parties, their heirs, successors and assigns. The Developer agrees to reimburse the City for the recording fee and for all legal fees and other costs associated with the execution and recordation of the agreement.

ATTEST:
By: _____
CITY CLERK

THE CITY OF MARYSVILLE:
By: _____
MAYOR

APPROVED AS TO FORM:
By: _____
CITY ATTORNEY

DEVELOPER:

Nathan R. Kelley

For Mayor:

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that DENNIS L. KENDALL is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Marysville, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 20 ____.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

For Individual:

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that Nathan Kelley is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be MS free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 14th day of March, 20 07.



Teri D. Bell-McCann
Teri D. Bell-McCann
(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at Snohomish County
My commission expires May 2010

For Representative or Company:

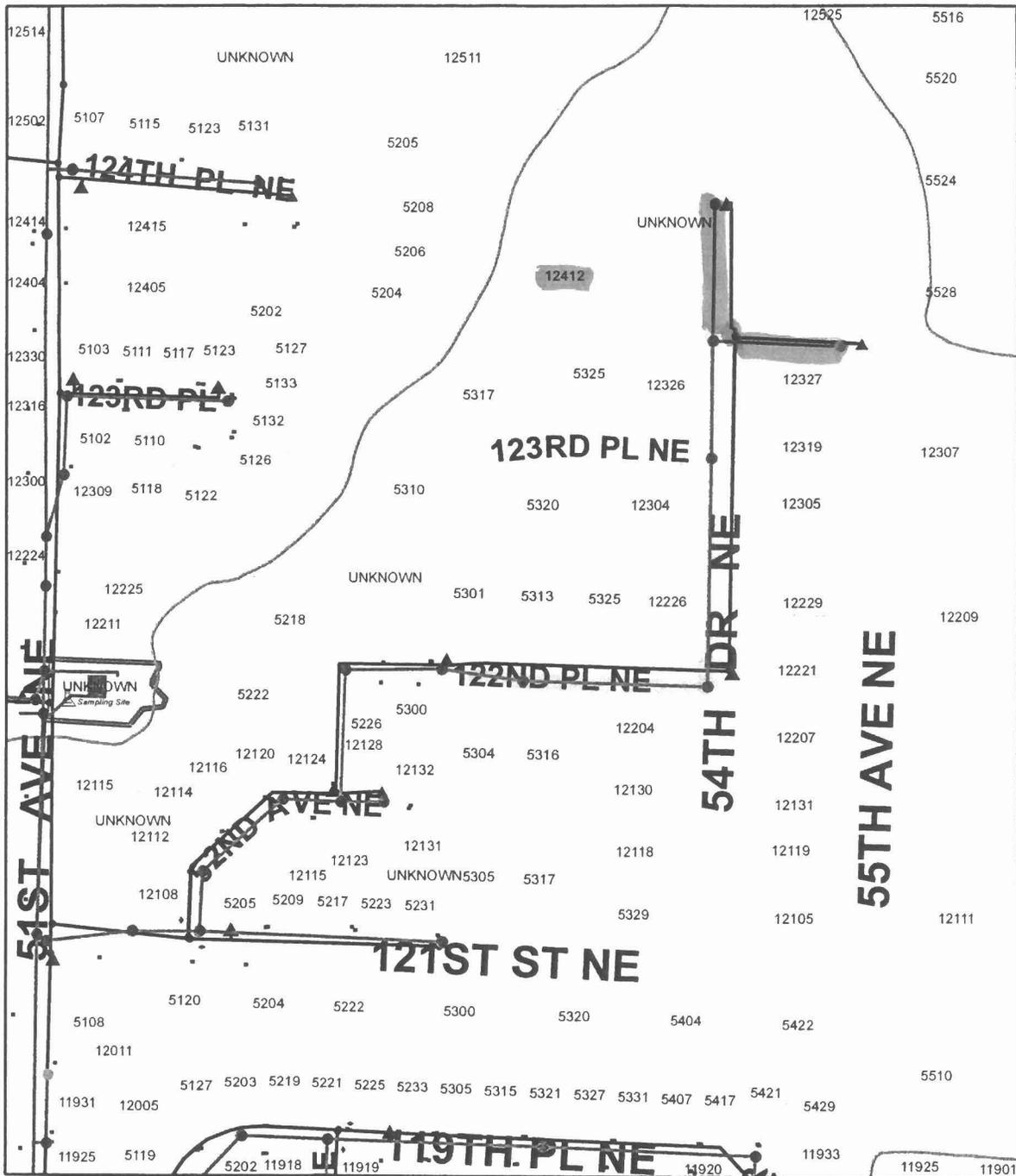
STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that _____ signed this instrument, on oath stated that _____ was authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 20 ____.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

Exhibit B



- | | | | | | |
|---------------------------------|---------------------|--------------------------|----------------------|------------------------------|-----------------------------------|
| City Limits | Sewer Service Area | Water Service Area | Water Pump Stations | Water Valves - Main | DNR Catchbasins (UGA) |
| Stormdrain Culverts | Sewer Cleanouts | Water Lines | Water PRVs | Water Valves - Main POSITION | DNR Culverts (County) |
| Stormdrain Catchbasins | Sewer Lift Stations | Water Lines STATUS | Water Blowoffs | Water Valves - Main POSITION | DNR Drain points (UGA) |
| Stormdrain Manholes | Sewer Manholes | Water Lines STATUS | Water Airvacs | Water Valves - Main POSITION | DNR Detention facilities (County) |
| Stormdrain Detention Facilities | Sewer Lines | Water Lines STATUS | Water Valves - Other | Water Valves - Main POSITION | DNR Cross sections (UGA) |
| Stormdrain Lines | Sewer Lines STATUS | Water Meters | Water Valve Markers | Water Valve Markers | DNR Drainage network (UGA) |
| | Sewer Lines STATUS | Water Storage Facilities | Water Hydrants | Water Hydrants | Adopt-a-stream culverts |
| | Sewer Lines STATUS | | Water Sampling Sites | Water Sampling Sites | |

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Developer's Property
Benefiting Property
Sewer Main

Exhibit C

Hidden Quilceda Estates Sewer – Nathan Kelley

	Owner/Address	Parcel	LF	Cost \$45.50/lf	Date Paid
1	5301 122 nd Pl Lominick	004184-000-001-00	106	\$4823.00	
2	5313 122 nd Pl Doty	004184-000-002-00	106	\$4823.00	
3	5325 122 nd Pl Hagen	004184-000-003-00	106	\$4823.00	
4	12226 54 th Dr Hinricksen	004184-000-004-00	106	\$4823.00	
5	5304 122 nd Pl Mason	004184-000-005-00	124	\$5642.00	
6	5316 122 nd Pl Brodland	004184-000-006-00	100	\$4550.00	
7	12204 54 th Dr Everson	004184-000-007-00	200	\$9100.00	
8	12229 54 th Dr Ramirez	004184-000-013-00	108	\$4914.00	
9	12221 54 th Dr Robinson	004184-000-014-00	108	\$4914.00	
10	12207 54 th Dr King	004184-000-015-00	16	\$728.00	
11	12327 54 th Dr Corley	004182-000-001-00	110	\$5005.00	
12	12319 54 th Dr Corley	004182-000-002-00	110	\$5005.00	
13	12305 54 th Dr Baldwin	004182-000-003-00	110	\$5005.00	
14	12304 54 th Dr McKeeman	004182-000-004-00	120	\$5460.00	
15	12326 54 th Dr McConnell	004182-000-009-00	150	\$6825.00	
	Subtotal - Recoverable		1,680	\$76,445.25	
	Developer's Share			\$21,332.75	
	Total Project Cost			\$97,778.00	

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 26, 2007

AGENDA ITEM: Greens Fees	AGENDA SECTION:	
PREPARED BY: Peter Colleran	AGENDA NUMBER:	
ATTACHMENTS: 1. Revised Fee Schedule 2. Proposed Resolution	APPROVED BY:	
	MAYOR <i>DLK</i>	CAO <i>DLK</i>
BUDGET CODE:	AMOUNT:	

Following review by Park Board, it is recommended that the Three-Month Seasonal Passes Category be expanded to include a Super Senior Rate (80 and older).

A Super Senior (age 80 and older) will be able to purchase a three-month seasonal pass at the same rate as the Youth Pass. Play will be limited to Monday through Friday.

RECOMMENDED ACTION: Marysville Park Board recommends the City Council approve the resolution to expand the three-month seasonal pass to include a Super Senior rate (age 80 and older) at the same rate as the Youth Pass effective April 1, 2007.
COUNCIL ACTION:

City of Marysville Parks & Recreation 2007 Fee Schedule

Includes sales tax when applicable

		DESCRIPTION	FEE RANGE 2006/2007	
PARKS RENTAL FACILITIES				
Full Day		Jennings Barn, Petting Zoo,	\$ 58.00	75.00
Half Day		Library Room, Gazebos &	45.00	58.00
Hourly		Picnic Shelters	13.00	16.00
Outdoor Facility			32.00	41.00
Refundable Deposit			58.00	75.00
Non-Profit Organization/Club			13.00	16.00
PARKS & REC CLASSES				
Kindermusik	Village	Youth	140.00	182.00
	Our Time	Youth	140.00	182.00
	Growings	Youth	140.00	182.00
	Young Child	Youth	176.00	228.00
Youth/Adult	Art	Adult-Youth	49.00	63.00
Babysitting	Basics	Youth	30.00	39.00
Spanish		Youth-Adult	79.00	102.00
Martial Arts	Summer Camp	Youth	139.00	180.00
Martial Arts	Classes	Youth	69.00	89.00
Interior	Decorating	Adult	25.00	32.00
Nutrition		Adult	20.00	26.00
Yoga		Teen-Adult	55.00	71.00
Tennis-Little	Lobbers	Youth	28.00	36.00
	JR Tennis	Youth/Adult	36.00	46.00
	Adult	Adult	38.00	49.00
Band	Camp	General	39.00	50.00
Clay	Exploration	Youth	65.00	84.00
Mother's Day	Platter Class	Youth	15.00	19.00
Spanish for	the Family	Family	63.00	81.00
Encaustic	Art	Adult	45.00	58.00
Fused	Glass	Adult	30.00	39.00
Tai Chi	Chuan	Adult	45.00	58.00
Dog	Obedience	Adult/dog	110.00	33.00
Hypnotherapy		Adult	80.00	104.00
Basic	First Aid/CPR	Adult	20.00	26.00
Investing in	Your Future	Adult	15.00	19.00
Bald Eagle	Adventure w/o lunch	Family	55.00	71.00
Bald Eagle	Adventure w/lunch	Family	65.00	84.00
Dog	Grooming	Adult/Dog	55.00	71.00
SOFTBALL LEAGUES				
Sawmill			465.00	604.00
Co-Ed			585.00	760.00
Spring			710.00	923.00
MSD Field	w/Lights		15/hour	
TOURNAMENT/ATHLETICS				
Tournament	Deposit	Softball / Soccer / Basketball / Baseball	60.00	78.00
1-Day	Tournament		50.00	312.00
Tournament	Entry		40.00	312.00
2-Day	Tournament Fee		50.00	624.00
Parks & Rec	Hosted/Mngmt Fee		660.00	858.00
Softball -	per game fee		17.00	28.00
Volleyball	Tournament		50.00	100.00
Volleyball	League		75.00	125.00
Tennis	League		50.00	95.00

City of Marysville Parks & Recreation 2007 Fee Schedule

Includes sales tax when applicable

	Description	Fee Range 2006	2007
STRAWBERRY FIELDS PARK	Field Rental	Practice/90 minute 1/2 field rate	Game /2 hour full field
Youth Non-Lighted		\$ 13.00	\$ 26.00
Youth Lighted		20.00	40.00
Adult Non-Lighted		20.00	31.00
Adult Lighted		34.00	45.00
YOUTH SPRING SOCCER			
1 st Child	Youth	44.00	57.00
2 nd Child	Youth	38.00	49.00
Softball - per game fee		17.00	28.00
YOUTH BASKETBALL LEAGUE			
1 st Child	Youth	66.00	85.00
2 nd Child	Youth	60.00	78.00
SPECIAL EVENTS			
Turkey Chase Fun Run	Youth	20.00	26.00
Soccer Skills Challenge	Youth	15.00	19.00
Fun Runs	Family	10.00	13.00
Father- Daughter Dance	Family	15.00	19.00
Mariners	Adult	28.00	36.00
Miscellaneous Special Event	Family	5.00	50.00
MISCELLANEOUS REC FEES			
Ultimate Sports Camp	Youth	75.00	97.00
Ultimate Sports Basketball Camp December	Youth	55.00	71.00
Skyhawks	Youth	95.00	123.00
Miscellaneous			
SUMMER CAMPS			
Day Camp	Youth Program	75.00/wk	97.00
Tiny Tots	Requires Supervision	45.00	58.00
Safety Town	Youth	99.00	128.00
Village Theatre	Youth	105.00	163.00
KBSCC RENTAL FACILITIES	Community Functions		
Hourly Mon - Thur		45	58.00
Fri - Sun		58	75.00
Damage Deposit- Non Alcohol		200	260.00
W/ Alcohol		300	390.00
KBSCC CLASSES	Senior/Community Center		
Admission	Instruction/Multi-meeting		
Drawing	Events. Organized activities	54.00	70.00
Clogging	Requires Supervision	3.00	3.00
Foot Care		14.00	18.00
Aerobics*		29.00	37.00
Gourd Carving		15.00	30.00
Computer Class		0	0
Card Making		11.00	14.00
Mixed Media Art		25.00	54.00
Senior Strength		19.00	24.00
Driftwood Sculpture		15.00	19.00
Ab Lab		29.00	37.00
Skier Conditioning		\$3.00	\$29.00

CITY OF MARYSVILLE

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MARYSVILLE, WASHINGTON,
ESTABLISHING PARKS AND RECREATION DEPARTMENT FEES SCHEDULES

WHEREAS, the fees and charges for services, programs and facility rentals offered to the public by the City of Marysville are a significant source of revenue for the City; and

WHEREAS, the collections are used to offset program costs; and

WHEREAS, the establishment of fee policies and fee schedules is necessary for sound financial management and revenue forecasting during the annual budgeting process; and

WHEREAS, the proposed fee schedules are supported by the research and documentation presented in the Parks and Recreation Element of the City Comprehensive Plan.

WHEREAS, the Marysville Parks and Recreation Advisory Board has reviewed and approved fees set forth in Attachment A and has found said fees to be fair and reasonably related to the actual cost of services provided; and

WHEREAS, the Marysville City Council finds that the fees set forth in Attachment A are fair and reasonably related to the actual cost of the services provided;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON AS FOLLOWS:

1. That the Parks and Recreation Department Fee Schedule, as outlined in Attachment A, be approved by the City Council.
2. That the date of implementation for the 2007 Fee Schedule shall be April 1, 2007.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2007

CITY OF MARYSVILLE

By _____
DENNIS L. KENDALL, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

GRANT WEED, City Attorney