

June 8, 2009

Marysville City Council Meeting
7:00 p.m.

City Hall

Call to Order

Invocation

Pledge of Allegiance

Roll Call

Committee Reports

Presentations

Audience Participation

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

1. Approval of May 18, 2009 City Council Work Session Minutes.
2. Approval of May 26, 2009 City Council Meeting Minutes.

Consent

3. Approval of May 20, 2009 Claims in the Amount of \$234,783.77; Paid by Check No.'s 55820 through 55959 with No Check No.'s Voided.
4. Approval of May 27, 2009 Claims in the Amount of \$467,564.76; Paid by Check No.'s 55960 through 56095 with Check No.'s 50944 and 55644 Voided.
6. Acceptance of the Grove and Alder Avenue Intersection Improvements Project Starting the 45-Day Lien Filing Period for Project Closeout.
7. Authorize the Mayor to Sign the Project Prospectus and Local Agency Agreement with Washington State Department of Transportation for the 67th Avenue NE Overlay Project.
8. Approval of Wolley Dispatch, Inc. dba Ace Taxi to Operate a For-Hire Business in Marysville.
9. Approval of Firework Stand Permits for Albertsons #471 (1 Stand), Marysville First Assembly (1 Stand), Marysville Kiwanis (5 Stands), and Mountain View Assembly of God (1 Stand).

**These items have been added or revised from the materials previously distributed in the packets for the June 1, 2009 Work Session.*

June 8, 2009

Marysville City Council Meeting
7:00 p.m.

City Hall

Review Bids

5. Award 2009 Solid Waste Container Purchase to Capital Industries, Inc. in the Amount of \$46,241.88 Including Washington State Sales Tax.

Public Hearings

New Business

10. Concessionaire Agreement for Jennings Memorial Park. *
11. An **Ordinance** of the City of Marysville, Washington, Amending Sections 3.92.020 and 3.92.030 of the Marysville Municipal Code to Clarify the Amount Paid for Prizes and to Allow for all Bona fide Charitable of Non-Profit Organizations, as Defined in RCW 9.46.0209, to be Exempt from the Tax on Raffles.
12. An **Ordinance** of the City of Marysville, Washington, Related to Utility Connection Requirements, Amending Section 14.01.050 Utility Connections Required and Adding a New Section 14.01.055 Water Connection Required.
13. An **Ordinance** of the City of Marysville, Washington, Amending MMC 14.07.010(1), Relating to Payment of Capital Improvement Charges for Water and Sewer Utility Connections. *
14. An **Ordinance** of the City of Marysville, Washington, Amending the City's Development Regulations Relating to Residential Accessory Structures and Accessory Dwelling Units, and Amending Chapters 19.08 and 19.34 of the Marysville Municipal Code. *
15. An **Ordinance** of the City of Marysville, Washington, Amending the 2009 Budget and Providing for the Adjustment of Certain Expenditure Items as Budgeted for in 2009 and Amending Ordinance No. 2751, Amending Ordinance No. 2761, and Amending Ordinance No. 2764. *
16. An **Ordinance** of the City of Marysville Amending Sections 3.67.010 of the Marysville Municipal Code to Increase the City Tax Rate from Six Percent of Gross Receipts to Fifteen Percent of Gross Receipts. *
17. A **Resolution** of the City of Marysville Authorizing a \$1,776,565.00 Interfund Loan from the Water Sewer Operating Fund 401 to the Parks Capital Improvement Fund 310, and Providing for Payment and a Formula for Payment of Interest. *

**These items have been added or revised from the materials previously distributed in the packets for the June 1, 2009 Work Session.*

June 8, 2009

**Marysville City Council Meeting
7:00 p.m.**

City Hall

Legal

Mayor's Business

Staff Business

Call on Councilmembers

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 Tracy Jeffries, Assistant Administrative Services Director, 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 June 1, 2009 Work Session.*

COUNCIL



MINUTES

Work Session
May 18, 2009

Pledge of Allegiance

Mayor Pro Tem Seibert called the Work Session to order at 7:00 p.m. He 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.

Mayor Pro tem: Jeff Seibert

Council: Councilmember Jon Nehring, Councilmember Carmen Rasmussen, Councilmember John Soriano, Councilmember Jeff Vaughan and Councilmember Donna Wright

Absent: Councilmember Lee Phillips

Also Present: Finance Director Sandy Langdon, City Attorney Grant Weed, Chief Smith, City Engineer & Assistant Public Works Director John Cowling, Parks and Recreation Director Jim Ballew, Police Commander Robb Lamoureux and Assistant Administrative Services Director Tracy Jeffries.

Committee Reports - None

Approval of Minutes

1. Approval of May 4, 2009 City Council Work Session Minutes.
2. Approval of May 11, 2009 City Council Meeting Minutes.

Consent

3. Approval of May 6, 2009 Claims in the Amount of \$954,806.59; Paid by Check No.'s 55545 through 55675 with No Check No.'s Voided.

4. Approval of May 13, 2009 Claims in the Amount of \$583,106.61; Paid by Check No.'s 55676 through 55819 with Check No. 55331 Voided.

Review Bids

5. Award Ebey Waterfront Park Repair Project.

Jim Ballew explained that bids are opening tomorrow at 10 a.m. The project is estimated at \$150,000. Mayor Pro Tem Seibert asked if they know what is causing the damage. Jim Ballew explained that there are pilings underneath that were not discovered at the time of construction. They hope to be able pull those out.

New Business

6. Acceptance of the Edward Springs Booster Pump Rebowling Project to Start the 45-Day Lien Filing Period for Project Closeout.
7. Supplemental Agreement No. 3 to Professional Services Agreement for City of Marysville and HDR Engineering, Inc. to Extend the Completion Date for the City's Water Comprehensive Plan Update to September 30, 2009.

John Cowling explained that this is just a time extension, which they need in order to get approval from Department of Health and to hold public hearings.

8. Edward Byrne Memorial Justice Assistance Grant (JAG) Recovery Act in the Amount of \$53,668 for Jail Locks and Locker Replacements.

Robb Lamoureux explained that this grant is part of President Obama's Recovery Act. The funds will be distributed directly to the police department who has chosen to use the funds for the jail locks and adding more lockers. Within 30 days of Council approving acceptance of the grant, the JAG Grant is reviewed by the government to determine whether they accept the projects or not.

Councilmember Soriano referred to the requirement on page 8-13 to buy American. He asked if there was any way to ensure that all components are made in the United States. Commander Lamoureux affirmed that this would be a requirement.

Councilmember Nehring stated that it was good to see this stimulus money coming to the City. He asked who applied for this grant. Commander Lamoureux thought that it was Chief Smith and Margaret. He added that Margaret spends a lot of time looking for grants and writing grants. In this particular case we were notified that we qualified for those funds.

Councilmember Vaughan referred to page 8-9 which discusses current registration in the CCR database. He asked if the City is already registered in the database. Finance Director Langdon indicated that we are.

Councilmember Nehring asked how the locks are tested. Robb Lamoureux stated that Marty Norsby tests them.

Mayor's Business

Mayor Pro Tem Seibert informed Council that he had nothing to report on behalf of the Mayor.

Staff Business

Robb Lamoureux – no comments

John Cowling – no comments

Jim Ballew:

- Distributed photos of Strawberry Fields which will be opening June 1.
- Hanging baskets went up today.
- Healthy Communities Challenge Day is June 6 from 1 to 7 at the YMCA.
- The Scouts project is done at Rotary Ranch and the kids did an amazing job restoring that area.

Sandy Langdon reminded everyone that there is a Finance Committee meeting this Wednesday.

Grant Weed discussed the positive letter from the Department of Revenue concerning the annexation. He and Community Development Director Hirashima are working with two different deputy prosecutors at the County's office concerning language of the Interlocal Agreement and the 88th Street issues.

Call on Councilmembers

John Soriano – no comments

Jon Nehring:

- Congratulated the Marysville Pilchuck High School Soccer team who won the district championship and are going on to state.
- Discussed communication he had with the ELL/Bilingual Parent Community Spanish Liaison. She encouraged the City to look into having have kids who are on suspension do volunteer work for the City. Jim Ballew explained that this is in the hands of the school district. He pointed out that there are some risks associated with this.

Donna Wright confirmed the Entrance Interview for the Audit this Wednesday at 4 p.m.

Carmen Rasmussen relayed that the Cinco de Mayo event was held on May 8. There was a huge number of people in attendance and it was a great community event.

Jeff Vaughan stated that he has noticed more panhandling lately with some of it bordering on being aggressive near 88th and State and the onramps to the freeway. Grant Weed discussed legal issues related to regulating this. Commander Lamoureux discussed their enforcement efforts. He noted that as long as they are not interfering with the flow of traffic the police are quite limited as to what they can do. Councilmember Vaughan asked how the firefighters with the boots can stop traffic and collect money. City Attorney Weed explained that they are not legally allowed to restrict the flow of traffic, but there may be some level of community acceptance of this. Councilmember Vaughan thought that this might be the reason they are seeing some other community groups doing fundraising in this manner. Commander Lamoureux explained that there were complaints last year and police did put a stop to them being in the street. He is certain that they will have no issues with this next year with the International Association of Fire Fighters' campaign.

Executive Session - None

Adjournment

Seeing no further business Mayor Pro Tem Seibert adjourned the meeting at 7:29 p.m.

Approved this _____ day of _____, 2009

Mayor
Dennis Kendall

Asst. Admin. Svcs. Director
Tracy Jeffries

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Motion made to excuse the absence of Councilmember Phillips at the May 18 Work Session.	Approved
Presentations	
Employee Service Awards - Edward Phelps, Maintenance Worker II, Parks, 10-year Service Award.	Presented
Proclamation – Healthy Community Challenge Day.	Presented
Approval of Minutes	
Approve May 4, 2009 City Council Work Session Minutes.	Approved
Approve May 11, 2009 City Council Meeting Minutes.	Approved
Consent Agenda	
Approve May 6, 2009 Claims in the Amount of \$954,806.59; Paid by Check No.'s 55545 through 55675 with No Check No.'s Voided.	Approved
Approve May 13, 2009 Claims in the Amount of \$583,106.61; Paid by Check No.'s 55676 through 55819 with Check No. 55331 Voided.	Approved
Accept the Edward Springs Booster Pump Rebowling Project to Start the 45-Day Lien Filing Period for Project Closeout.	Approved
Authorize the Mayor to Sign the Supplemental Agreement No. 3 to Professional Services Agreement for City of Marysville and HDR Engineering, Inc. to Extend the Completion Date for the City's Water Comprehensive Plan Update to September 30, 2009.	Approved
Authorize the Mayor to Sign the Edward Byrne Memorial Justice Assistance Grant (JAG) Recovery Act in the Amount of \$53,668 for Jail Locks and Locker Replacements.	Approved
Approve May 20, 2009 Payroll in the Amount of \$780,074.20; Paid by Check No.'s 21336 through 21409.	Approved
Review Bids	
Reject All Bids for Ebey Waterfront Park Repair Project to RJ Lampers Construction Company, Inc. in the Amount of \$105,608.07 Including Washington State Sales Tax.	Approved
Public Hearings	
New Business	
Approve the State of Washington Department of Community Work Crew Contract.	Approved
Legal	
Mayor's Business	
Staff Business	
Call on Councilmembers	
Recessed	7:30
Executive Session	7:36
Litigation – two items	No action taken
Real Estate – two items	No action taken
Adjournment	7:48

COUNCILMINUTES**Council Meeting**

May 26, 2009

Call to Order / Invocation / Pledge of Allegiance

Mayor Kendall called the May 26, 2009 to order at 7:00 p.m. and 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.

Mayor: Dennis Kendall

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

Absent: None

Also Present: Finance Director Sandy Langdon, City Attorney Grant Weed, Chief Smith, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Councilmember Lee Phillips requested an excused absence from last week since he was undergoing a medical procedure.

Motion made by Councilmember Soriano, seconded by Councilmember Vaughan, to excuse Councilmember Phillips from the May 18 Work Session. **Motion** passed unanimously (7-0).

Councilmember Seibert reported on the May 13 Snohomish County Solid Waste Advisory Committee Meeting where the following items were discussed:

- Disposal of solid waste generated in proposed Bothell Annexation.
- Flow Control Enforcement Program update
- Disaster program was approved by FEMA
- Financial status of division and planned response. They will be revising the tonnage down from the previous estimate by 12%;

- Adjustments to operation. They will be cutting back a planning position; they will be cutting back days and hours of some drop boxes; and the transfer station will be cutting hours from 12 to 10 hours, and 8 to 4 hours on the weekend, at the end of June. There will be a \$12 million loss if they do not do these things.
- Discussion about requiring that E-waste goes through a separate private provider
- Latex paint will no longer be taken as of June 28 at the hazardous waste facility in Everett.
- Holiday hours will be reviewed.
- Cost of Service study results show that costs will go up, but they will not increase this year.
- Cathcart will be open while Airport Road Transfer Station floor is being redone.
- Discussion about having some special meetings because of Comprehensive Plan update

Presentations

A. Employee Service Awards.

Edward Phelps, Maintenance Worker II, Parks earned his 10-year Service Award, but he was not able to attend the meeting. Jim Ballew accepted the award on behalf of Edward.

B. Proclamation – Healthy Community Challenge Day.

Mayor Kendall read the proclamation designating June 6, 2009 as Healthy Communities Challenge Day. He presented Jim Ballew with the Proclamation.

Audience Participation - None

Approval of Minutes

1. Approval of May 4, 2009 City Council Work Session Minutes.

Motion made by Councilmember Wright, seconded by Councilmember Rasmussen, to approve the minutes as presented. **Motion** passed unanimously (7-0).

2. Approval of May 11, 2009 City Council Meeting Minutes.

Councilmember Wright and Councilmember Rasmussen abstained as they did not attend the May 11 meeting.

Motion made by Councilmember Nehring, seconded by Councilmember Seibert, to approve the minutes. **Motion** passed unanimously (5-0) with Councilmembers Wright and Rasmussen abstaining.

Consent

Motion made by Councilmember Soriano, seconded by Councilmember Nehring, to adopt the following Consent Agenda items:

- 3. Approval of May 6, 2009 Claims in the Amount of \$954,806.59; Paid by Check No.'s 55545 through 55675 with No Check No.'s Voided.**
- 4. Approval of May 13, 2009 Claims in the Amount of \$583,106.61; Paid by Check No.'s 55676 through 55819 with Check No. 55331 Voided.**
- 6. Acceptance of the Edward Springs Booster Pump Rebowling Project to Start the 45-Day Lien Filing Period for Project Closeout.**
- 7. Authorize the Mayor to Sign the Supplemental Agreement No. 3 to Professional Services Agreement for City of Marysville and HDR Engineering, Inc. to Extend the Completion Date for the City's Water Comprehensive Plan Update to September 30, 2009.**
- 8. Authorize the Mayor to Sign the Edward Byrne Memorial Justice Assistance Grant (JAG) Recovery Act in the Amount of \$53,668 for Jail Locks and Locker Replacements.**
- 9. Approval of May 20, 2009 Payroll in the Amount of \$780,074.20; Paid by Check No.'s 21336 through 21409.**

Motion passed unanimously (7-0).

Review Bids

- 5. Award Ebey Waterfront Park Repair Project to RJ Lampers Construction Company, Inc. in the Amount of \$105,608.07 Including Washington State Sales Tax.**

Kevin Nielsen stated that staff's recommendation is to reject all bids and not award this project. He reviewed reasons for this.

Councilmember Seibert asked if one of the reasons is that there may be unknowns once we break the concrete up that may have an effect on the cost and it may not be prudent to award a contract when the cost may exceed what they have identified. Director Nielsen affirmed that this is one of several reasons.

Motion made by Councilmember Seibert, seconded by Councilmember Phillips, to reject all bids. **Motion** passed unanimously (7-0).

Public Hearings

New Business

10. State of Washington Department of Corrections Community Work Crew Contract.

Jim Ballew explained that the reason for this is that there is a slight change in fees.

Motion made by Councilmember Rasmussen, seconded by Councilmember Nehring, to approve the State of Washington Department of Community Work Crew Contract as proposed. **Motion** passed unanimously (7-0).

Legal

Mayor's Business

- Ribbon cutting at Rite-Aid on 116th will be on Thursday morning at 7 a.m.
- Friday is the Chamber breakfast. Sunny Kobe Cook is the featured speaker
- He discussed his recent trip to the shopping center convention.

Staff Business

Kevin Nielsen had no additional comments.

Chief Smith:

- Attended a WSPOT Conference in Kennewick last week where they discussed gangs and graffiti quite a bit. He reiterated that Marysville is on the forefront of addressing the gang and graffiti situation. The conference also had very good classes on development and leadership,
- The Special Olympics Torch Run will be this Thursday.
- Stated that there is no need for a public safety meeting this month. They will meet next month as scheduled.

Jim Ballew:

- Rite Aid team did a community service project on 108th where fences were painted to eradicate graffiti. The team was dubbed the Huck Finn Graffiti Defense Corps. The City is looking into developing this as a volunteer effort to take on larger fence projects.
- Kickball league has grown to 11 teams. Semi finals and the championships will be held at Rudy Wright field.
- He gave council members copies of Healthy Communities log books which will be distributed on the Challenge Day in two weeks.

Sandy Langdon had no comments.

Grant Weed requested an executive session to give an update on two items of potential litigation and two real estate items which he expected to take approximately 15 minutes. No action was needed.

Call on Councilmembers

Jeff Vaughan had no comments.

Donna Wright had no comments.

Jon Nehring:

- Asked about a property on 83rd near Getchell high school which has 30-40 cars parked in the front yard. Jim Ballew stated that the property is in the county. Kevin Nielsen said he would check on this.
- Asked for an update on a police situation today. Chief Smith discussed this.
- Commended the MPHS soccer team which is now in the semi-finals. He wished them luck.

John Soriano had no comments.

Lee Phillips thanked Council for the excused absence.

Carmen Rasmussen commended Marika on the Healthy Communities booklet. She also congratulated the MPHS soccer team on their success.

Jeff Seibert reported that they had a Finance Committee on the May 20 where they spoke about revenues and ongoing projects.

Mayor Kendall recessed the meeting at 7:30 p.m. until 7:36 p.m. before reconvening into Executive Session to discuss two pending litigation and two real estate matters with no action expected. Executive Session was expected to last about 15 minutes.

Executive Session

- A. Litigation – 2 pending litigation matters, RCW 42.30.110 (1)(i)
- B. Personnel
- C. Real Estate – 2 matters, RCW 42.30.110 (1)(b)

At 7:40 p.m. Mayor Kendall called the meeting back to order.

Adjournment

Seeing no further business Mayor Kendall adjourned the meeting at 7:48 p.m.

Approved this _____ day of _____, 2009.

Mayor
Dennis Kendall

Asst. Admin. Svcs. Director
Tracy Jeffries

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

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 **May 20, 2009** claims in the amount of **\$234,783.77** paid by **Check No.'s 55820 through 55959** with **no Check No.'s voided**.

COUNCIL ACTION:

BLANKET CERTIFICATION

CLAIMS
FOR
PERIOD-5

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 **CLAIMS** IN THE AMOUNT OF **\$234,783.77 PAID BY CHECK NO.'S 55820 THROUGH 55959 WITH NO CHECK NUMBER'S VOIDED** ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND TO CERTIFY SAID CLAIMS.

Sheredy Young

AUDITING OFFICER

5/21/09

DATE

MAYOR

DATE

WE, THE UNDERSIGNED COUNCIL MEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE MENTIONED **CLAIMS** ON THIS **20th DAY OF May 2009.**

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 5/14/2009 TO 5/20/2009

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT #</u>	<u>ITEM AMOUNT</u>
55820	WASHINGTON STATE DEPARTMENT OF	SALES & USE TAX - APRIL 09	001.231700.	127.24
	WASHINGTON STATE DEPARTMENT OF		00101130.549000.	2.22
	WASHINGTON STATE DEPARTMENT OF		00102020.549000.	20.94
	WASHINGTON STATE DEPARTMENT OF		00103010.549000.	43.04
	WASHINGTON STATE DEPARTMENT OF		101.231700.	211.81
	WASHINGTON STATE DEPARTMENT OF		103.231700.	37.48
	WASHINGTON STATE DEPARTMENT OF		401.231700.	104.19
	WASHINGTON STATE DEPARTMENT OF		40143410.553000.	39,680.35
	WASHINGTON STATE DEPARTMENT OF		40145040.553000.	3,765.42
	WASHINGTON STATE DEPARTMENT OF		402.231700.	260.95
	WASHINGTON STATE DEPARTMENT OF		410.231700.	15.98
	WASHINGTON STATE DEPARTMENT OF		41046060.553000.	18,856.45
	WASHINGTON STATE DEPARTMENT OF		420.231700.	37.59
	WASHINGTON STATE DEPARTMENT OF		420.231710.	8,409.96
	WASHINGTON STATE DEPARTMENT OF		42047267.553000.	447.55
	WASHINGTON STATE DEPARTMENT OF		501.231700.	102.52
	WASHINGTON STATE DEPARTMENT OF		503.231700.	31.75
55821	KAMAL ABOUZAKI	INTERPRETER SERVICES	00102515.549000.	150.00
55822	ACE ACME SEPTIC SERVICE INC	PORTABLE TOILET RENTAL	40140280.541000.	90.00
55823	ADVANTAGE BUILDING SERVICES	EXTRA CLEANING HOURS - KBSCC	00105250.541000.	108.00
55824	ALBERTSONS FOOD CENTER #471	MEETING SUPPLIES	40143410.549000.	11.78
	ALBERTSONS FOOD CENTER #471		40143410.549000.	37.59
55825	ALBERTSONS FOOD CENTER #471	SUPPLIES FOR PARKS & KBSCC EVE	00100310.549010.	130.81
	ALBERTSONS FOOD CENTER #471		00105120.531050.	42.73
	ALBERTSONS FOOD CENTER #471		00105120.531070.	68.33
	ALBERTSONS FOOD CENTER #471		00105120.549000.	11.94
	ALBERTSONS FOOD CENTER #471		00105120.549000.	21.81
55826	AMERICAN CLEANERS	DRY CLEANING SERVICES	00103010.526000.	17.38
	AMERICAN CLEANERS		00103121.526000.	178.15
	AMERICAN CLEANERS		00103222.526000.	69.45
	AMERICAN CLEANERS		00103960.526000.	54.29
	AMERICAN CLEANERS		00104190.526000.	69.50
	AMERICAN CLEANERS		00104230.526000.	2.17
55827	ANDERSON, GENE	UB 849000713000 8010 60TH DR N	401.122110.	28.64
55828	ARAMARK UNIFORM SERVICES	MAT CLEANING-WWTP	40142480.541000.	18.73
	ARAMARK UNIFORM SERVICES		40142480.541000.	21.79
	ARAMARK UNIFORM SERVICES	MAT CLEANING-MEZZANINE	40143780.549000.	15.66
	ARAMARK UNIFORM SERVICES		40143780.549000.	15.66
	ARAMARK UNIFORM SERVICES		40143780.549000.	23.89
	ARAMARK UNIFORM SERVICES		40143780.549000.	23.89
	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING-MECHANICS	42047165.526000.	15.27
	ARAMARK UNIFORM SERVICES		42047165.526000.	15.27
	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	50100065.526000.	32.99
	ARAMARK UNIFORM SERVICES		50100065.526000.	35.16
55829	MICHAEL ASPEN	INSTRUCTOR SERVICES	00105250.541020.	98.00
55830	ATHENS TECHNICAL SPECIALISTS, INC.	CALIBRATION OF CONFLICT MONITO	10111864.541000.	530.00
55831	ATLAS FENCE COMPANY	5 FT 10' 9 GAUGE AND BAG LONG	10111230.531000.	75.20
55832	BANDWIDTH.COM INC	MONTHLY SERVICE CHARGE	50300090.542000.	93.50
55833	BANK OF AMERICA	CONFERENCE/TRAVEL REIMBURSEM	00100110.543000.	303.02
	BANK OF AMERICA		00100110.549000.	35.55
	BANK OF AMERICA		00102020.543000.	151.51
	BANK OF AMERICA		40143410.543010.	151.51
55834	BANK OF AMERICA	CONFERENCE REIMBURSEMENT	00105120.543000.	11.68
	BANK OF AMERICA		00105120.543000.	18.34
	BANK OF AMERICA		00105120.543000.	329.97

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 5/14/2009 TO 5/20/2009

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT #</u>	<u>ITEM AMOUNT</u>
55834	BANK OF AMERICA	CONFERENCE REIMBURSEMENT	00105380.543000.	11.67
	BANK OF AMERICA		00105380.543000.	18.34
	BANK OF AMERICA		00105380.543000.	358.07
55835	LILY MAY BAYLEY	INTERPRETER SERVICES	00102515.549000.	120.17
55836	OWEN EQUIPMENT COMPANY	INNERTUBE WELDMENT & AIR SEAL	50100065.534000.	926.55
55837	BERK & ASSOCIATES INC	ANNEXATION STUDY AND REVIEW	00199513.541000.	6,083.95
55838	BHENGU, GURKIRAT	UB 625001000000 5001 106TH ST	401.122110.	44.16
55839	BICKFORD FORD-MERCURY	RETURN MOTOR ASSY	50100065.534000.	-52.67
	BICKFORD FORD-MERCURY	MOTOR ASSEMBLY	50100065.534000.	52.67
	BICKFORD FORD-MERCURY	CUSTOM MADE SEAT COVER	50100065.534000.	204.17
55840	BRINKS INC	ARMORED TRUCK SERVICE	00100050.541000.	287.03
	BRINKS INC		00102020.541000.	143.51
	BRINKS INC		00103010.541000.	287.03
	BRINKS INC		00143523.541000.	287.03
	BRINKS INC		40143410.541000.	143.51
	BRINKS INC		42047061.541000.	134.03
55841	BUD BARTON'S GLASS CO	WINDOW REPAIR PARTS	00105580.531000.	175.12
55842	GWENDOLYN R CAMPBELL	PERSONNEL POLICIES	00100310.541000.	455.00
55843	IRATXE CARDWELL	INTERPRETER SERVICES	00102515.549000.	100.00
55844	CARQUEST	BATTERY CORE CREDIT	42047165.548000.	-32.70
	CARQUEST	BATTERIES	42047165.548000.	237.86
55845	CARR'S ACE HARDWARE	99TH & STATE PEDESTRIAN SIGNAL	10111864.531000.	116.34
55846	CASCADE RECREATION INC	(2) 30 ROLL CASE WASTE BAGS	00105380.531000.	495.22
55847	CEMEX	CLASS B ASPHALT	10110130.531000.	860.28
55848	CHUCKANUT GOLF CARS INC	(10) LEASE CARTS	42047267.545000.	380.00
55849	CLUTTERBUCK, ERIC	UB 849000360000 6509 82ND ST N	401.122110.	35.29
55850	COMCAST	PRO SHOP CABLE TV	42047267.549000.	95.79
55851	COMCAST	ACCT # 8498310020001355- KBSCC	00105250.547000.	52.46
55852	COOK PAGING (WA)	PAGER SERVICE	10111230.542000.	3.74
	COOK PAGING (WA)		40143410.542000.	3.74
55853	CO-OP SUPPLY	ZIP TIES	40140380.531000.	14.64
	CO-OP SUPPLY	5' T-POST	40140380.531000.	54.86
	CO-OP SUPPLY	CHAIN LINK PANEL	40140380.531000.	371.41
	CO-OP SUPPLY	CHAINLINK PANEL WITH CLAMPS	40140380.531000.	1,485.65
	CO-OP SUPPLY	RAT TRAPS	40142480.531000.	92.77
	CO-OP SUPPLY	RAT TRAP AND POISON	40143780.531000.	39.27
55854	CT SALES, INC.	REBAR	10111864.531000.	16.16
55855	DATABASE SECURE RECORDS DESTRUCTIO	MONTHLY SHREDDING SERVICE	00100110.549000.	19.52
	DATABASE SECURE RECORDS DESTRUCTIO		00101023.541000.	19.52
	DATABASE SECURE RECORDS DESTRUCTIO		00105380.531000.	19.52
55856	DICKS TOWING INC	TOWING EXPENSE- MP 09-2340	00103222.541000.	43.44
	DICKS TOWING INC	TOWING EXPENSE	50100065.548000.	43.44
	DICKS TOWING INC		50100065.548000.	43.44
55857	DRUG BUY FUND	DRUG BUY FUND REPLENISH	00103222.549010.	1,000.00
55858	E&E LUMBER INC	GRAFFITI SUPPLIES	00102020.531000.	8.67
	E&E LUMBER INC		00102020.531000.	13.00
	E&E LUMBER INC	FASTENERS	00105380.531000.	11.35
	E&E LUMBER INC	PAINT TRAY,PAINT,MASKING TAPE	00105380.531000.	19.86
	E&E LUMBER INC	SNAP PARTS,NYLON CORD	00105380.531000.	25.99
	E&E LUMBER INC	CABLE	00105380.531000.	26.61
	E&E LUMBER INC	CABLE,CLAMPS	00105380.531000.	29.00
	E&E LUMBER INC	SCRAPER,DRILL BIT,FLASHING	00105380.531000.	40.56
	E&E LUMBER INC	SIMPLE GREEN	00105380.531400.	35.81
	E&E LUMBER INC	EYE BOLTS AND FASTENERS	00112572.531000.	3.43
	E&E LUMBER INC	CONCRETE	10111864.531000.	12.81

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55858	E&E LUMBER INC	TAPE MEASURE AND TAPE	40140380.531000.	52.65
55859	JUAN ESCALANTE	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
55860	EVERGREEN SAFETY COUNCIL	MEMBERSHIP 2009-2010	00100310.531200.	245.00
55861	FERRELLGAS	PROPANE	10110130.531000.	15.11
	FERRELLGAS		10110564.531000.	15.11
	FERRELLGAS		40140980.531000.	15.11
	FERRELLGAS		41046060.531000.	15.12
55862	FOOTJOY	WEATHER SOFT GLOVES	420.141100.	77.71
55863	FRED MEYER	DIGITAL PHOTOS	10111230.549000.	7.38
55864	FRONTIER BANK	UB 820070000002 5422 GROVE ST	401.122110.	161.22
55865	MICHELLE KEMP-GEHLSSEN	PRO-TEM SERVICES	00100050.541000.	185.00
55866	GENERAL CHEMICAL CORP	ALUMINUM SULFATE	40142480.531320.	3,869.14
55867	KRISTA GESSNER	TRAVEL REIMBURSEMENT	00100310.549011.	66.80
55868	GOLF PUMPING SERVICES	IRRIGATION PUMP REPAIR	42047165.531920.	1,455.24
55869	GRAINGER INC	HANDICAP SIGNS	00100010.531000.	4.76
	GRAINGER INC		00101250.531000.	4.76
	GRAINGER INC		00103530.531000.	4.76
	GRAINGER INC		00112572.531000.	4.76
	GRAINGER INC		40143410.531000.	4.77
	GRAINGER INC	ADA SIGNS FOR RESTAURANT	42047267.549000.	111.72
55870	HALSTROM & ASSOCIATES, INC.	05/09 LOBBYIST FEE	40143410.541000.	2,080.00
55871	HASLER, INC	POSTAGE MACHINE LEASE	00100020.542000.	27.69
	HASLER, INC		00102020.542000.	44.31
	HASLER, INC		10111230.542000.	5.54
	HASLER, INC		40143410.542000.	22.15
	HASLER, INC		41046170.542000.	5.54
	HASLER, INC		50100065.542000.	5.54
55872	HD FOWLER COMPANY	RESETTERS	401.141400.	84.87
	HD FOWLER COMPANY	METER BOX LID	401.141400.	97.68
	HD FOWLER COMPANY	GASKETS	401.141400.	103.18
	HD FOWLER COMPANY	POLYMER LIDS - NO WINDOW	401.141400.	501.29
	HD FOWLER COMPANY	WRENCH AND PAINT	501.141100.	193.87
55873	LILLIAN HEATH	REFUND DEPOSIT FOR RENTAL	001.239100.	200.00
55874	JOHN HENDRICKSON	TRAVEL REIMBURSEMENT	00103121.543000.	41.96
55875	AMANDA HERTZ	INSTRUCTOR SERVICES	00105250.541020.	30.60
55876	HORIZON	PERFORATED DRAIN PIPE	42047165.531920.	132.87
55877	HSBC BUSINESS SOLUTIONS	FERTILIZER	42047165.531900.	2,052.54
55878	LETTIE HYLARIDES	INTERPRETER SERVICES	00102515.549000.	108.80
	LETTIE HYLARIDES		00102515.549000.	112.50
55879	INDUSTRIAL CONTROLS SUPPLY CO, INC	TIMER OFF DELAY AND SOCKET	40142480.548000.	169.92
55880	INFILCO DEGREMONT, INC.	(1) CASE BALLAST	40142480.548000.	5,549.54
55881	DEPT OF INFORMATION SERVICES	TELECOMMUNICATIONS SERVICES	00104190.551000.	2,688.88
55882	INTEGRA CHEMICAL CO	VITA-D-CHLOR TABS AND 6P TAB S	40140480.531000.	660.34
55883	INTEGRA TELECOM	ACCT #010495321	00100020.542000.	171.45
	INTEGRA TELECOM		00100050.542000.	170.50
	INTEGRA TELECOM		00100110.542000.	48.26
	INTEGRA TELECOM		00100310.542000.	69.25
	INTEGRA TELECOM		00100720.542000.	13.29
	INTEGRA TELECOM		00101023.542000.	76.54
	INTEGRA TELECOM		00101130.542000.	41.57
	INTEGRA TELECOM		00102020.542000.	355.31
	INTEGRA TELECOM		00103010.542000.	96.91
	INTEGRA TELECOM		00103121.542000.	105.24
	INTEGRA TELECOM		00103222.542000.	432.74
	INTEGRA TELECOM		00103528.542000.	21.97

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55883	INTEGRA TELECOM	ACCT #010495321	00103630.542000.	10.90
	INTEGRA TELECOM		00103960.542000.	132.01
	INTEGRA TELECOM		00104190.542000.	155.15
	INTEGRA TELECOM		00104230.542000.	12.51
	INTEGRA TELECOM		00105120.542000.	150.88
	INTEGRA TELECOM		00105250.542000.	22.76
	INTEGRA TELECOM		00105515.542000.	63.36
	INTEGRA TELECOM		00143523.542000.	84.48
	INTEGRA TELECOM		10111230.542000.	76.97
	INTEGRA TELECOM		40142480.542000.	113.12
	INTEGRA TELECOM		40143410.542000.	241.68
	INTEGRA TELECOM		41046170.542000.	10.86
	INTEGRA TELECOM		42047061.542000.	58.99
	INTEGRA TELECOM		50100065.542000.	36.50
	INTEGRA TELECOM		50148058.542000.	24.65
	INTEGRA TELECOM		50200050.542000.	22.61
	INTEGRA TELECOM		50300090.542000.	80.01
55884	ALLEN IVANJACK	REFUND DEPOSIT FOR RENTAL	001.239100.	200.00
55885	NICHOLE JOHNSON		001.239100.	100.00
55886	KAMAN INDUSTRIAL TECHNOLOGIES	V-BELTS	40142480.548000.	111.07
55887	KANE EQUIPMENT REPAIR	REPAIR HYDRAULIC TANK ON TRAIL	50100065.534000.	490.21
55888	THE KELLY GROUP	SIGNAL POLE HAND HOLE COVER KI	101.231700.	-5.09
	THE KELLY GROUP		10110463.548000.	64.29
55889	MICHELLE KELLY	RENTAL DEPOSIT REFUND	001.239100.	100.00
55890	KENWORTH NORTHWEST INC	RETURN WATER PUMP ASSEMBLY	50100065.534000.	-339.33
	KENWORTH NORTHWEST INC	WATER PUMP ASSEMBLY	50100065.534000.	339.33
	KENWORTH NORTHWEST INC		50100065.534000.	388.98
55891	KNOLL, INC	(2) CHAIRS	00104190.535000.	887.57
55892	LASTING IMPRESSIONS INC	SOLID COLOR VALUE BANDS	00105090.531000.0811	380.10
	LASTING IMPRESSIONS INC	PRINTED YOUTH SPRING SOCCER SH	00105120.531030.	31.02
	LASTING IMPRESSIONS INC	LOGO HATS FOR PARK MAINT. WORK	00105380.526000.	215.03
55893	BRIAN LEE	REFUND CLASS FEES	00110347.376009.	10.00
55894	DEPT OF LICENSING	GENSER, STEVEN (RENEWAL)	001.237020.	18.00
	DEPT OF LICENSING	HOWLAND, BRANDON (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	LUXMORE, JARRAD (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	MARTSON, DAVID (RENEWAL)	001.237020.	18.00
	DEPT OF LICENSING	MASSINGALE, JOHN (RENEWAL)	001.237020.	18.00
	DEPT OF LICENSING	RANDALL, ANN (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	RANDALL, RAY (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	SALVATI, GABRIEL (RENEWAL)	001.237020.	18.00
	DEPT OF LICENSING	SHATTUCK, JASON (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	SMITH, DANA (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	THOMAS, ROBERT (RENEWAL)	001.237020.	18.00
55895	MARYSVILLE MUNICIPAL COURT	BANK CARD FEES	00100050.541000.	476.18
55896	CITY OF MARYSVILLE	WTR/SWR/GBG@1015 STATE AVE	00101250.547000.	554.47
	CITY OF MARYSVILLE	4" FIRELINE@1049 STATE AVE	00103530.547000.	61.40
	CITY OF MARYSVILLE	WTR/SWR/GBG@1049 STATE AVE	00103530.547000.	536.88
	CITY OF MARYSVILLE	WTR/SWR/GBG@514 DELTA AVE	00105250.547000.	479.59
	CITY OF MARYSVILLE	WTR/SWR@514 DELTA AVE PARK RES	00105380.547000.	90.57
	CITY OF MARYSVILLE	WTR@1050 COLUMBIA AVE	00105380.547000.	98.22
	CITY OF MARYSVILLE	WTR@1ST&STATE AVE #IRR	00105380.547000.	132.19
	CITY OF MARYSVILLE	YARD CONTAINERS@80 COLUMBIA A'	10110130.547000.	444.00
	CITY OF MARYSVILLE	WTR@80 COLUMBIA AVE	40142480.547000.	1,161.78
	CITY OF MARYSVILLE	WTR/SWR/GBG@80 COLUMBIA AVE	40142480.547000.	1,414.81
	CITY OF MARYSVILLE	WTR/SWR@61 STATE AVE	40143780.547000.	19.46

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55896	CITY OF MARYSVILLE	WTR/SWR@80 COLUMBIA AVE	40143780.547000.	152.08
	CITY OF MARYSVILLE	WTR/SWR/GBG@80 COLUMBIA AVE	40143780.547000.	941.39
	CITY OF MARYSVILLE	GARBAGE@80 COLUMBIA AVE	50100065.547000.	580.00
55897	MICROFLEX INC	TAX AUDIT PROGRAM- APRIL 2009	00101023.541000.	110.84
55898	NATIONAL MICROSCOPE EXCHANGE	CAMER, MICROSCOPE ADAPTER, T-M	401.231700.	-164.51
	NATIONAL MICROSCOPE EXCHANGE		40142480.535000.	2,227.37
55899	NEPTUNE TECHNOLOGY GROUP, INC.	RELEASE OF RETAINAGE	402.223400.	61,702.87
55900	NIKE USA INC	SPECIAL ORDER	420.141100.	14.25
55901	NORTHWEST CASCADE INC	HONEY BUCKET	00105380.545000.	102.18
55902	OFFICE DEPOT	OFFICE SUPPLIES	00100020.531000.	126.24
	OFFICE DEPOT		00101130.531000.	-67.42
	OFFICE DEPOT		00102020.531000.	4.50
	OFFICE DEPOT		00102020.531000.	79.99
	OFFICE DEPOT		00102020.531000.	117.86
	OFFICE DEPOT		00103121.531000.	13.34
	OFFICE DEPOT		00103121.531000.	68.11
	OFFICE DEPOT		00103222.531000.	244.03
	OFFICE DEPOT		00103222.531000.	258.00
	OFFICE DEPOT		00103630.531000.	10.00
	OFFICE DEPOT		00103740.531000.	12.00
	OFFICE DEPOT		00103960.531000.	10.00
	OFFICE DEPOT		00104190.531000.	11.56
	OFFICE DEPOT		00104190.531000.	120.00
	OFFICE DEPOT		00105380.531000.	-141.17
	OFFICE DEPOT		00105380.531000.	146.71
	OFFICE DEPOT		00143523.531000.	-67.43
	OFFICE DEPOT		40143410.531000.	487.73
55903	PACIFIC PLUMBING SUPPLY CO LLC	COUPLERS, SCH 40 PIPE & CEMENT	420.231700.	-3.32
	PACIFIC PLUMBING SUPPLY CO LLC		42047165.531000.	41.97
	PACIFIC PLUMBING SUPPLY CO LLC	COUPLINGS	502.231700.	-5.21
	PACIFIC PLUMBING SUPPLY CO LLC		50200050.531000.	65.75
55904	PACIFIC POWER PRODUCTS	BEDKNIVES	42047165.548000.	197.27
	PACIFIC POWER PRODUCTS	TIRES	42047165.548000.	230.12
55905	CANDIDA PALMER	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
55906	PATRICKS PRINTING INC	NOTICE OF INFRACTION HEARINGS	00100050.531000.	757.42
55907	PELZER GOLF SUPPLIES	LOGOED GOLF TOWELS	420.141100.	298.53
	PELZER GOLF SUPPLIES	PENCILS	420.231700.	-8.35
	PELZER GOLF SUPPLIES		42047267.531000.	105.46
55908	WASHINGTON STATE DEPT.OF PERSONNEL	TRAINING FOR JOSEPH FINELY	50300090.549000.	110.00
55909	JOSEPH PHAM	INTERPRETER SERVICE	00102515.549000.	110.58
55910	PI TAPE CORPORATION	OUTSIDE DIAMETER TAPE 12"-36 1	001.231700.	-12.13
	PI TAPE CORPORATION		00100020.535000.	153.13
55911	DENISE FREEMAN	JUMPSUIT - B. KIELAND	00103528.526000.	430.89
55912	THE POLICE & SHERIFFS PRESS, INC	CUSTOM ID SET UP FEE	00103010.541000.	150.00
55913	PUGET SOUND SECURITY PATROL INC.	SECURITY SERVICES	00100030.541000.	717.50
	PUGET SOUND SECURITY PATROL INC.		00100050.541000.	2,152.50
55914	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #600-001-260-6	10110463.547000.	1,861.02
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #249-067-781-8	10111864.547000.	93.04
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #543-001-066-9	40140180.547000.	32.79
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #300-001-899-8	40142280.547000.	42.20
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #381-001-187-8	40142480.547000.	203.60
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #400-001-036-5	40142480.547000.	713.82
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #529-001-155-9	40143780.547000.	1,462.63
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #416-001-067-6	40143780.547000.	2,447.08
55915	R&R PRODUCTS INC	TRIM MOWER REEL	42047165.548000.	261.78

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55916	SHAWN RITCHEY	BLOOD BORNE PATHOGENS	00100310.531200.	250.00
55917	TAMARA ROBBINS	INSTRUCTOR SERVICES	00105120.541020.	98.00
	TAMARA ROBBINS		00105120.541020.	161.00
55918	AARON ROHDE	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
55919	SALINAS SAWING & SEALING INC	ASPHALT DEMO	40142080.531000.	361.68
55920	SCREEN PRINTING NORTHWEST, INC.	SOFTBALLS	00105120.531010.0815	393.12
55921	TERRY SIMON	PRO-TEM SERVICES	00100050.541000.	185.00
55922	SMOKEY POINT CONCRETE	CONCRETE FOR SIDEWALKS	10110361.531000.	628.79
	SMOKEY POINT CONCRETE		10110361.531000.	993.15
55923	SNOHOMISH COUNTY FINANCE DEPARTME	SOLID WASTE CHARGES	00105380.547000.	65.00
55924	SNOHOMISH HEALTH DISTRICT	HEP B SHOT - AVEY	40143410.541000.	89.00
55925	S.O. CREIGHTON ENGINEERING INC	FIRE SUPPRESSION REVIEW	00102020.541000.	350.00
55926	SOLID WASTE SYSTEMS INC	HYDRAULIC FILTER	501.141100.	291.06
55927	SONITROL	MONITORING SERVICES - MAY 2009	00100010.541000.	89.00
	SONITROL		00100010.541000.	102.00
	SONITROL		00103530.541000.	120.00
	SONITROL		00103530.541000.	173.00
	SONITROL		00105250.541000.	126.00
	SONITROL		00105380.541000.	116.00
	SONITROL		40142480.541000.	102.00
	SONITROL		40142480.541000.	114.00
	SONITROL		40142480.541000.	114.00
	SONITROL		40143410.541000.	82.00
	SONITROL		40143410.541000.	117.00
	SONITROL		40143410.541000.	173.00
55928	SOUND PUBLISHING INC	WEBSITE ADS	00105120.544000.	75.00
55929	SOUND PUBLISHING INC	ONLINE MARYSVILLE GLOBE AD	42047267.544000.	150.00
55930	SOUND PUBLISHING INC	ADVERTISING	00102020.544000.	246.95
55931	SOUND PUBLISHING INC	LETS GET ACQUAINTED ADVERTISEM	00100720.541000.	280.00
55932	SOUND SAFETY PRODUCTS CO INC	GLOVES	501.141100.	232.41
55933	SPACESAVER NORTHWEST	RECORDS LATERAL SHELVES	10400022.549000.0915	3,664.45
55934	SPECIALTY CIGARS INT'L INC	CIGARS	420.141100.	93.80
55935	SPRINGBROOK NURSERY	2 MAN ROCK	10110130.531000.	75.39
	SPRINGBROOK NURSERY	PEA GRAVEL	42047165.531920.	161.55
55936	SQUAD-FITTERS	EMERGENCY LIGHTS FOR MOTORCYC	104.231700.	-169.30
	SQUAD-FITTERS		10400022.549000.0913	2,137.90
55937	SUNRISE ENVIRONMENTAL SCIENTIFIC	ERASE - GRAFFITI REMOVER	41046060.531000.	187.02
55938	ROY SYKES	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
55939	TARR, JOHN & JULIE	UB 950650000000 1314 CEDAR AVE	401.122110.	14.32
55940	TAYLORMADE	MAXFLI NOODLE AND TM BURNER BA	420.141100.	244.61
55941	THOMPSON PUBLISHING GROUP INC	FMLA HANDBOOK	001.231700.	-36.00
	THOMPSON PUBLISHING GROUP INC		00100310.549000.	454.50
55942	TITLEIST	TITLEIST BAG	420.141100.	134.54
	TITLEIST	TITLEIST HATS	420.141100.	264.72
	TITLEIST		420.141100.	266.39
	TITLEIST	TITLEIST BALLS	420.141100.	2,171.98
55943	MARY TOEWS	INSTRUCTOR SERVICES	00105120.541020.	153.60
55944	TORO NSN	IRRIGATION COMPUTER SOFTWARE L	42047165.531920.	199.00
55945	LORRIE TOWERS	COMMISSIONER SERVICES	00100030.541000.	700.00
	LORRIE TOWERS		00100030.541000.	700.00
	LORRIE TOWERS		00100050.541000.	2,100.00
	LORRIE TOWERS		00100050.541000.	2,100.00
55946	DEPT OF TRANSPORTATION NW REGION	SR531 WATER MAIN	40143410.541000.	1,004.85
55947	TRAVEL ADVANCE FUND	WABO CONFERENCE - MICHAEL SNOC	00102020.543000.	469.51
55948	UNDERCOVER EYEWEAR	SUNGLASSES	420.141100.	509.50

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55949	UNITED PIPE & SUPPLY INC	ROMAC PATCH CLAMPS	40140580.531000.	103.95
55950	UNITED RENTALS	RETURN BLADE EDGER	10110770.531000.	-287.80
	UNITED RENTALS	BLADE EDGER	10110770.531000.	27.04
	UNITED RENTALS		10110770.531000.	270.42
	UNITED RENTALS		10110770.531000.	287.80
	UNITED RENTALS	SPADE BIT	10111230.531000.	86.88
55951	VERIZON NORTHWEST	ACCT #404449227007	00100050.542000.	257.73
	VERIZON NORTHWEST		00100310.531000.	60.45
	VERIZON NORTHWEST	ACCT #109471572710	00103121.542000.	68.32
	VERIZON NORTHWEST	ACCT #108778831503	00104000.542000.	75.45
	VERIZON NORTHWEST	ACCT #109778831810	00104000.542000.	75.45
	VERIZON NORTHWEST	ACCT #1109268635501	00104000.542000.	93.05
	VERIZON NORTHWEST	ACCT #102746380105	00104000.542000.	99.76
	VERIZON NORTHWEST	ACCT #109471572710	00105120.542000.	80.21
	VERIZON NORTHWEST	ACCT #102857559902	00112572.542000.	103.35
	VERIZON NORTHWEST	ACCT #103957234007	40142480.542000.	64.16
55952	JERLDINE WALKER	INSUFFICIENT REGISTRATION	00110347.376009.	10.00
55953	WELCOME COMMUNICATIONS	BATTERY	00103222.531000.	255.14
55954	WESTERN EQUIPMENT DISTRIBUTORS	FAIRWAY REELS	42047165.548000.	2,427.81
55955	WESTERN FACILITIES SUPPLY INC	ADA ACCESSIBLE SIGNS	00105380.531000.	29.52
55956	WESTERN PETERBILT INC	WORK BRAKE "FLIPPER VALVE"	50100065.534000.	102.72
55957	ALEX WIERSMA	TRAVEL REIMBURSEMENT	00103121.543000.	186.65
	ALEX WIERSMA	TRAINING REIMBURSEMENT	00103121.549000.	21.13
55958	WILBUR-ELLIS	CROSSBOW AND ROUNDUP	10110770.531000.	2,191.23
55959	WINGFOOT COMMERCIAL	TIRE WITH SERVICE CALL & INSTA	50100065.534000.	542.65
WARRANT TOTAL:				<u>234,783.77</u>

REASON FOR VOIDS:

- INITIATOR ERROR
- WRONG VENDOR
- CHECK LOST IN MAIL

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

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.

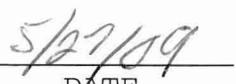
<p>RECOMMENDED ACTION:</p> <p>The Finance and Executive Departments recommend City Council approve the May 27, 2009 claims in the amount of \$467,564.76 paid by Check No.'s 55960 through 56095 with Check No.'s 50944 & 55644 voided.</p>
<p>COUNCIL ACTION:</p>

BLANKET CERTIFICATION
CLAIMS
FOR
PERIOD-5

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 **CLAIMS** IN THE AMOUNT OF **\$467,564.76 PAID BY CHECK NO.'S 55960 THROUGH 56095 WITH CHECK NUMBER'S 50944 & 55644 VOIDED** ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND TO CERTIFY SAID CLAIMS.



AUDITING OFFICER



DATE

MAYOR

DATE

WE, THE UNDERSIGNED COUNCIL MEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE MENTIONED **CLAIMS** ON THIS **27th DAY OF May 2009.**

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 5/21/2009 TO 5/27/2009

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT #</u>	<u>ITEM AMOUNT</u>
55960	SHERRY ALBERTS	REFUND DEPOSIT FOR RENTAL	001.239100.	58.00
55961	ALBERTSONS FOOD CENTER #471	INMATE SUPPLIES	00103960.531000.	494.20
55962	ALFYS PIZZA	MEAL - PARKS AND REC ASAP	00105120.531070.	41.77
55963	ALL STAR MANAGEMENT CO LLC	UB 215019000000 5019 126TH ST	401.122110.	126.80
55964	ARAMARK UNIFORM SERVICES	MAT CLEANING - WWTP	40142480.541000.	18.73
	ARAMARK UNIFORM SERVICES	MAT CLEANING - MEZZANINE	40143780.549000.	15.66
	ARAMARK UNIFORM SERVICES		40143780.549000.	23.89
	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING	50100065.526000.	32.99
55965	CITY OF ARLINGTON	ARLINGTON CHRISTIAN SCHOOL	40140080.533000.	45.45
55966	MICHAEL ASPEN	INSTRUCTOR SERVICES	00105120.541020.	178.50
	MICHAEL ASPEN		00105250.541020.	140.00
55967	AYFL C/O TAMI PTERSON	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
55968	BANK OF AMERICA	REGISTRATION REIMBURSEMENT	00103010.549100.	150.00
55969	BANK OF AMERICA	TESTING REIMBURSEMENT	00103010.543000.	1,523.05
55970	BANK OF AMERICA	TRAVEL/TRAINING REIMBURSEMENT	00103222.526000.	142.21
	BANK OF AMERICA		00103222.531000.	35.00
	BANK OF AMERICA		00103222.543000.	438.83
	BANK OF AMERICA		00103222.543000.	448.80
	BANK OF AMERICA		00103222.549100.	250.00
	BANK OF AMERICA		00103222.549100.	395.00
55971	DEANN BENNETT	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
55972	MIGUEL BETANCOURT		001.239100.	100.00
	MIGUEL BETANCOURT		00110347.376014.	60.00
55973	BICKFORD FORD-MERCURY	FRONT BRAKE ROTORS AND PAD SET	501.141100.	257.62
	BICKFORD FORD-MERCURY	A/C BLEND DOOR ACTUATOR	50100065.534000.	52.67
	BICKFORD FORD-MERCURY	TURN SIGNAL SWITCH	50100065.534000.	87.77
55974	BOATLAND P & A	ELECTRIC AND HAND BILGE PUMPS	40140980.531000.	288.80
55975	DOUG BUELL	MILEAGE REIMBURSEMENT	00100720.543000.	33.63
55976	CARROT-TOP INDUSTRIES INC	FLAGS FOR CITY FACILITIES AND	001.231700.	-31.50
	CARROT-TOP INDUSTRIES INC		00105380.531000.	397.81
55977	CARR'S ACE HARDWARE	PIPE AND CEMENT FOR 3RD ST ADA	10110361.531000.	31.31
	CARR'S ACE HARDWARE	DOOR KNOB	10111230.531000.	15.19
	CARR'S ACE HARDWARE	MINERAL OIL	40140680.531000.	16.26
	CARR'S ACE HARDWARE	MINERAL OIL,OIL CAN HANDLE AND	40140680.531000.	31.98
	CARR'S ACE HARDWARE	PADLOCKS	501.141100.	273.41
55978	CEMEX	COLD MIX ASPHALT	10110130.531000.	194.92
	CEMEX	CLASS B ASPHALT	10110130.531000.	283.92
	CEMEX		10110130.531000.	709.80
	CEMEX		40142680.548000.	354.90
55979	CODE PUBLISHING INC	MARYSVILLE MUNICIPAL CODE	00101130.549000.	277.04
55980	COMCAST	MONTHLY BROADBAND CHARGE	50300090.531000.	169.95
55981	CORPORATE OFFICE SUPPLY	SANITIZING WIPES AND HAND GEL	501.141100.	110.75
	CORPORATE OFFICE SUPPLY	HAND SANITIZER	501.141100.	128.04
55982	WA DEPT OF CORRECTIONS	INMATE MEALS	00103960.531250.	1,905.42
55983	WA DEPT OF CORRECTIONS	DEPT OF CORRECTIONS WORK CREW	00105380.549000.	883.08
55984	DAILY JOURNAL OF COMMERCE	BID AD FOR SOLID WASTE CONTAIN	41046060.541000.	234.00
55985	DATABASE SECURE RECORDS DESTRUCTIO	MONTHLY SHREDDING SERVICE	00100020.531000.	5.86
	DATABASE SECURE RECORDS DESTRUCTIO		00101130.531000.	19.52
	DATABASE SECURE RECORDS DESTRUCTIO		00102020.531000.	5.85
	DATABASE SECURE RECORDS DESTRUCTIO		00105250.531000.	19.52
	DATABASE SECURE RECORDS DESTRUCTIO		40143410.531000.	5.85
	DATABASE SECURE RECORDS DESTRUCTIO		50100065.531000.	0.98
	DATABASE SECURE RECORDS DESTRUCTIO		50200050.531000.	0.98
55986	DAWSON LANE RCI GROUP INC	UB 848470000000 8470 82ND ST N	401.122110.	44.58
55987	DELTA PROPERTY MANAGEMENT	UB 849000656405 7609 60TH DR N	401.122110.	218.62

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 5/21/2009 TO 5/27/2009

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT #</u>	<u>ITEM AMOUNT</u>
55988	DICKS TOWING INC	TOWING EXPENSE - MPD09-2411	00103222.541000.	70.59
55989	E&E LUMBER INC	LAMPS	00100010.531000.	20.72
	E&E LUMBER INC	BULB/JENNINGS SIGN	00105380.531000.	7.92
	E&E LUMBER INC	CABLE TIES	00105380.531000.	11.96
	E&E LUMBER INC	PAINT - GRAFFITI	00105380.531000.	31.48
	E&E LUMBER INC	GALV SHINGLES,SPRAY PAINT,CABL	00105380.531000.	31.62
	E&E LUMBER INC	SOLVENT	40140280.531000.	21.71
	E&E LUMBER INC	SOLVENT AND GLOVES	40140280.531000.	38.19
	E&E LUMBER INC	WIRE BRUSHES, CORNER CLEANER,	40140680.531000.	50.24
	E&E LUMBER INC	SPRAY PAINT	40140680.531000.	67.91
55990	EMERALD HILLS COFFEE SERVICE	COFFEE, CREAMER, ETC	10605250.549000.	64.71
55991	EMERALD RECYCLING	CREDIT FOR USED OIL	50100065.531000.	-225.00
	EMERALD RECYCLING		50100065.531000.	-225.00
	EMERALD RECYCLING	CREDIT: USED OIL	50100065.531000.	-157.50
	EMERALD RECYCLING	CREDIT FOR USED OIL	50100065.531000.	-45.00
	EMERALD RECYCLING		50100065.531000.	-40.00
	EMERALD RECYCLING	ADJ MADE FROM INV443333/416262	50100065.531000.	-0.18
	EMERALD RECYCLING	CRUSHED OIL FILTERS AND DISPOS	50100065.531000.	85.18
	EMERALD RECYCLING	DISPOSAL CHARGE OIL/ANTIFREEZE	50100065.531000.	143.68
	EMERALD RECYCLING	DISPOSAL FEES FOR OIL FILTERS/	50100065.531000.	174.43
	EMERALD RECYCLING	DEBIT MEMO TO OFFSET CREDIT	50100065.531000.	382.50
55992	KIMBERLY ENGLISH	REFUND CLASS FEES	00110347.376009.	35.00
55993	EVERETT HYDRAULICS INC	REBUILD BOTH HYDRAULIC CYLINDE	41046060.548000.	2,067.78
55994	CITY TREASURER EVERETT WA	WATER/FILTRATION SERVICE CHARG	40140080.533000.	83,003.19
55995	EXIDE	BATTERY W/ CORE CHARGE	501.141100.	63.98
55996	FARWEST INDUSTRIES, INC	BRAKE CABLE	42047165.548000.	166.52
55997	FAWCETT, JOHN	UB 790111640002 5310 64TH AVE	401.122110.	49.88
55998	FERRELLGAS	PROPANE	10110130.531000.	22.33
	FERRELLGAS		10110564.531000.	22.33
	FERRELLGAS		40140980.531000.	22.32
	FERRELLGAS		41046060.531000.	22.33
55999	JOSEPH FINLEY	MILEAGE REIMBURSEMENT	50300090.543000.	111.10
56000	CHRIS FLOYD	INSTRUCTOR SERVICES	00105120.541020.	2,206.09
56001	DAWN GOLDSON-SMITH	REFUND CLASS FEES	00110347.376009.	20.00
56002	GRAPHIC ENTERPRISES INC	OVERAGE CHARGES FOR K & E	00100020.531000.	22.43
	GRAPHIC ENTERPRISES INC		00102020.531000.	22.43
	GRAPHIC ENTERPRISES INC		40143410.531000.	22.43
	GRAPHIC ENTERPRISES INC		50200050.531000.	7.47
56003	GREENSHIELDS INDUSTRIAL SUPPLY	1/4" CHAIN	00105380.531000.	25.03
	GREENSHIELDS INDUSTRIAL SUPPLY	(3) WEED EATER HEADS	00105380.531000.	98.12
56004	EVA GUZMAN	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
56005	HAGGEN, INC.	MTG REFRESHMENTS	00105515.549000.	30.36
	HAGGEN, INC.		00105515.549000.	43.71
	HAGGEN, INC.		00105515.549000.	97.12
56006	HART, RON	UB 981500800000 15008 SMOKEY P	410.122100.	25.37
56007	JIM HAYES	REIMBURSE COMP TRAINING	10111160.549000.	199.00
56008	HD SUPPLY WATERWORKS, LTD	PVC PIPE,TEE	40140980.531000.	369.24
	HD SUPPLY WATERWORKS, LTD	MJ TEE,REG ACC SETS,GASKETS	40142080.531000.	626.49
56009	HEALTHFORCE PARTNERS, INC	DOT EXAM-PHELPS	00105380.549000.	54.00
56010	AMANDA HERTZ	INSTRUCTOR SERVICES	00105250.541020.	30.60
56011	LADONNA HOLT	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
56012	INTEGRA CHEMICAL CO	6P TAB STRIP	40140480.531000.	34.34
56013	K-MART	(6) BASKETBALL NETS	00105380.531000.	45.55
56014	KATE & CO REAL ESTATE	UB 221340000002 4417 123RD PL	401.122110.	54.11
56015	THE KELLY GROUP	POLE,COVERS	101.231700.	-31.39

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 5/21/2009 TO 5/27/2009

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT #</u>	<u>ITEM AMOUNT</u>
56015	THE KELLY GROUP	POLE,COVERS	10110463.531000.	396.39
56016	KENWORTH NORTHWEST INC	SLACK ADJUSTER	50100065.534000.	318.46
56017	CARLTON DOUP	INSTRUCTOR SERVICES	00105120.541020.	134.30
	CARLTON DOUP		00105120.541020.	134.30
	CARLTON DOUP		00105120.541020.	268.60
56018	LASTING IMPRESSIONS INC	POLO-WHITE,D	00103528.526000.	84.86
	LASTING IMPRESSIONS INC	(97) FASTPITCH LEAGUE SHIRTS	00105120.531010.0815	778.49
	LASTING IMPRESSIONS INC	HATS	501.141100.	206.04
56019	DEPT OF LICENSING	JOHNSON, BRADLEY (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	MCCLURE, LESLIE (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	MINCH, DAVID (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	PHILLIPS, LEE (ORIGINAL)	001.237020.	18.00
	DEPT OF LICENSING	RAMOS, RAMON (ORIGINAL)	001.237020.	18.00
56020	LIFESTYLE HOMES	UB 698517360000 8517 36TH AVE	401.122110.	408.11
56021	TIMOTHY LOFTON	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
56022	LOWES HIW INC	LOCK FOR GATE-STREET DEPT	10111230.531000.	61.76
	LOWES HIW INC	RAGS,SOLVENT	40140280.531000.	93.31
56023	PATRICIA LUCERO	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
56024	MARGARET MARCELLUS		001.239100.	100.00
	MARGARET MARCELLUS		00110347.376014.	55.00
56025	MARGREEN LLC	UB 693611000000 3611 85TH ST N	401.122110.	136.16
56026	MARYSVILLE AWARDS	FINANCE DEPT NAMEPLATE	00101023.531000.	16.94
56027	MARYSVILLE GLOBE	2YR SUBSCRIPTION-GLOBE/EXEC DE	00100720.549000.	45.00
56028	MARYSVILLE HISTORICAL SOCIETY	2008 HOTEL/MOTEL GRANT	10500030.549000.	5,000.00
56029	MARYSVILLE PRINTING	1 CASE ENVELOPES	00103222.531000.	184.62
56030	MARYSVILLE SCHOOL DISTRICT #25	MMS FACILITY USE	00105120.531091.	238.08
56031	MARYSVILLE SCHOOL DISTRICT #25		00105120.531091.	114.75
56032	CITY OF MARYSVILLE	WTR,SWR,GRB @ 6802 84TH ST	42047267.547000.	366.68
56033	MEMORY4LESS	MEMORY REPLACEMENTS	503.231700.	-9.12
	MEMORY4LESS		50300090.531000.	115.07
56034	MURRAY, SMITH & ASSOCIATES, INC.	PAY ESTIMATE # 21	40220594.563000.W0502	17,963.24
56035	NELSON PETROLEUM	DIESEL & UNLEADED GASOLINE	42047165.532000.	787.71
	NELSON PETROLEUM	HYDRAULIC TRACTOR OIL	501.141100.	359.93
56036	NEXTEL COMMUNICATIONS	ACCT #844448815	00100020.542000.	40.99
	NEXTEL COMMUNICATIONS		00103010.542000.	40.99
	NEXTEL COMMUNICATIONS		00103010.542000.	40.99
	NEXTEL COMMUNICATIONS		00103010.542000.	40.99
	NEXTEL COMMUNICATIONS		00103010.542000.	40.99
	NEXTEL COMMUNICATIONS		00103010.542000.	40.99
	NEXTEL COMMUNICATIONS		00105515.542000.	103.94
	NEXTEL COMMUNICATIONS		40143410.542000.	40.99
	NEXTEL COMMUNICATIONS		40143410.542000.	40.99
	NEXTEL COMMUNICATIONS		50300090.542000.	122.97
56037	NORTH SOUND HOSE & FITTINGS	ADAPTER	10111230.531000.	10.37
56038	NORTHWEST PLAYGROUND EQUIPMENT	SOCCER NETS	00105120.531030.	743.63
56039	BERG, KENNETH & KATHERINE	UB 270320000000 5202 119TH PL	401.122110.	422.60
56040	OFFICE DEPOT	OFFICE SUPPLIES	00100020.531000.	6.02
	OFFICE DEPOT	PAPER SHREDDER	00100020.531000.	53.75
	OFFICE DEPOT	OFFICE SUPPLIES	00100110.531000.	71.89
	OFFICE DEPOT		00101023.531000.	37.16
	OFFICE DEPOT		00101130.531000.	46.33
	OFFICE DEPOT	PAPER SHREDDER	00102020.531000.	53.75
	OFFICE DEPOT	OFFICE SUPPLIES	00105380.531000.	0.94
	OFFICE DEPOT		00105380.531000.	54.02
	OFFICE DEPOT	PAPER SHREDDER	00105380.531000.	268.77

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 5/21/2009 TO 5/27/2009

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT #</u>	<u>ITEM AMOUNT</u>
56040	OFFICE DEPOT	OFFICE SUPPLIES	00105515.531000.	59.12
	OFFICE DEPOT		00143523.531000.	41.95
	OFFICE DEPOT		10111230.531000.	6.19
	OFFICE DEPOT		40143410.531000.	6.02
	OFFICE DEPOT	PAPER SHREDDER	40143410.531000.	53.76
	OFFICE DEPOT	OFFICE SUPPLIES	50100065.531000.	0.67
	OFFICE DEPOT	PAPER SHREDDER	50100065.531000.	8.96
	OFFICE DEPOT	OFFICE SUPPLIES	50200050.531000.	0.67
	OFFICE DEPOT	PAPER SHREDDER	50200050.531000.	8.96
56041	MONICA OLASON	INSTRUCTOR SERVICES	00105120.541020.	268.80
	MONICA OLASON		00105120.541020.	307.20
56042	P.F. PETTIBONE & CO	MINUTES PAPER	00101130.549000.	63.30
56043	PACIFIC POWER PRODUCTS	CENTER BELTS,WING DECK BELTS	00105380.548000.	259.50
56044	PAPE MACHINERY	OIL FILTER	501.141100.	30.08
	PAPE MACHINERY	AIR FILTERS	501.141100.	50.74
	PAPE MACHINERY	FUEL,AIR FILTERS	501.141100.	283.12
56045	PARTNER CONSTRUCTION PRODUCTS	CRACK SEAL	10110130.531000.	618.48
56046	THE PARTS STORE	ALLEN WRENCH SET	40140680.531000.	27.56
	THE PARTS STORE	FUEL FILTER	501.141100.	14.50
	THE PARTS STORE	AIR FILTER	501.141100.	24.07
	THE PARTS STORE	OIL FILTER	501.141100.	34.69
	THE PARTS STORE	OIL FILTER,PLASTIC TIES	501.141100.	62.71
	THE PARTS STORE	CAR WASH,PLASTIC TIES	501.141100.	66.04
	THE PARTS STORE	OIL,TRANS FILTERS,BULBS	501.141100.	79.98
	THE PARTS STORE	REFUND CORE CHR	50100065.534000.	-53.76
	THE PARTS STORE	ALLEN HEAD BOLT	50100065.534000.	4.56
	THE PARTS STORE	HYDRAULIC DECEL VALVE ROLLER	50100065.534000.	31.60
	THE PARTS STORE	SPARK PLUGS	50100065.534000.	49.09
	THE PARTS STORE	STARTER ASSY W/CORE CHR	50100065.534000.	167.67
56047	LAURIE HUGDAHL	MINUTE TAKING SERVICE	00101130.541000.	40.30
	LAURIE HUGDAHL		00101130.541000.	86.80
56048	MIA PETERSON	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
56049	PETROCARD SYSTEMS INC	FUEL CONSUMED	00100020.532000.	104.49
	PETROCARD SYSTEMS INC		00102020.532000.	191.82
	PETROCARD SYSTEMS INC		00103222.532000.	4,247.87
	PETROCARD SYSTEMS INC		00105380.532000.	678.30
	PETROCARD SYSTEMS INC		10111230.532000.	1,389.33
	PETROCARD SYSTEMS INC		40143880.532000.	3,880.91
	PETROCARD SYSTEMS INC		41046060.532000.	2,823.28
	PETROCARD SYSTEMS INC		50100065.532000.	135.03
	PETROCARD SYSTEMS INC		50200050.532000.	144.89
	PETROCARD SYSTEMS INC		50300090.532000.	37.99
56050	UNITED STATES POSTAL SERVICE	POSTAGE ACCOUNT TMS #64291	00143523.542000.	4,000.00
56051	KEVIN PRICE	REFUND DEPOSIT FOR RENTAL	001.239100.	100.00
56052	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #418-001-612-5	00100010.547000.	2,627.05
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #475-001-792-5	00105380.547000.	110.83
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #557-001-739-1	00105380.547000.	175.33
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #348-001-954-0	00105380.547000.	189.96
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #308-001-598-9	00105380.547000.	649.32
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #308-001-505-4	00105380.547000.	671.98
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #490-001-155-4	00112572.547000.	2,946.51
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT # 635-001-155-4	10110463.547000.	128.78
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #528-001-292-2	10110564.547000.	54.85
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #246-001-703-7	10111864.547000.	61.17
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #968-001-439-7	10111864.547000.	78.06

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 5/21/2009 TO 5/27/2009

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT #</u>	<u>ITEM AMOUNT</u>
56052	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #314-002-822-0	10111864.547000.	111.91
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #557-001-738-3	10111864.547000.	128.10
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #498-001-707-5	10111864.547000.	139.92
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #493-001-113-7	40140180.547000.	101.45
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #335-001-900-0	40140180.547000.	567.15
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #401-001-485-2	40140180.547000.	1,513.23
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #224-078-532-5	40141580.547000.	1,532.53
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #450-033-638-5	40142280.547000.	37.49
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #251-001-382-0	40142280.547000.	1,069.44
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #370-002-191-2	40142480.547000.	6,761.00
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #461-029-794-9	40142480.547000.	7,224.09
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #447-001-040-8	40142480.547000.	14,474.37
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #526-001-076-3	40143780.547000.	28.96
	PUD NO 1 OF SNOHOMISH COUNTY	ACCT #289-075-529-7	40143780.547000.	1,221.06
56053	PUGET SOUND SECURITY	DUPLICATE KEYS	50100065.534000.	8.46
56054	RJ THOMAS MFG CO., INC	GRILL-PRKS & REC	001.231700.	-78.97
	RJ THOMAS MFG CO., INC		00105380.535000.	997.27
56055	LYNN SCHROEDER	REIMBURSE MTG REFRESHMENTS	00100110.549000.	10.10
56056	SEATTLE MARINERS	(2) TICKETS 6/24/09 GAME	00105120.531050.	22.00
	SEATTLE MARINERS	PARKING FOR 7/9/09 GAME	00105120.531050.	60.00
	SEATTLE MARINERS	(42) TICKETS 7/9/09 GAME	00105120.531050.	308.00
56057	SECRETARY OF STATE	IMAGE 15 BOXES	00101130.531000.	2,164.62
	SECRETARY OF STATE		00101130.531000.	8,599.02
56058	SETINA MFG CO INC	PUSHBARS	50100065.534000.	536.88
56059	SHEA, RON	UB 761282630001 6118 77TH AVE	401.122110.	163.53
56060	SIMPLLOT PARTNERS	FERTILIZER,FUNGICIDE,HERBICIDE	42047165.531930.	2,209.33
56061	EVE SNIDER	INSTRUCTOR SERVICES	00105120.541020.	630.00
56062	SNO CO PUBLIC WORKS	SOLID WASTE DISPOSAL CHRGS 4/0	10110564.541000.	304.50
	SNO CO PUBLIC WORKS	PROJECT COSTS 3/09	10111864.548000.	1,698.52
	SNO CO PUBLIC WORKS	SOLID WASTE DISPOSAL CHRGS 4/0	40143410.541000.	304.50
	SNO CO PUBLIC WORKS	PROJECT COSTS 3/09	40220594.563000.W0803	875.10
	SNO CO PUBLIC WORKS	SOLID WASTE DISPOSAL CHRGS 4/0	41046060.541000.	118,860.00
56063	SNOPAC	ACCESS QRTRLY ASSESSMENT	00104000.551000.	849.50
56064	SOUND PUBLISHING INC	HOTEL/MOTEL NOTICE,STREET CLOS	00101130.544000.	161.64
	SOUND PUBLISHING INC		00105120.544000.	62.86
	SOUND PUBLISHING INC		40142080.548000.	80.82
56065	SOUND SAFETY PRODUCTS CO INC	JEANS-PETEK	10111230.526000.	96.86
	SOUND SAFETY PRODUCTS CO INC	GLOVES,SAFETY GLASSES	501.141100.	119.31
56066	SHERRI SOVERNS	REIMBURSE WATER PURCHASE	00100110.549000.	17.82
56067	STADIUM FLOWERS	FLORAL ARRANGMENT-GOBAN	00100110.531000.	123.37
56068	STATE AUDITORS OFFICE	AUDIT PERIOD 08-08	00100090.551000.	1,061.10
56069	STATE AVENUE PLAZA, LLC	MONTHLY LEASE PYMT-1015 STATE	00101250.545000.	28,000.00
56070	WASHINGTON STATE PATROL	FINGERPRINTING	001.237100.	211.75
	WASHINGTON STATE PATROL	BACKGROUND CHECKS	00100310.541000.	250.00
	WASHINGTON STATE PATROL	FINGERPRINTING	00102020.541000.	10.00
	WASHINGTON STATE PATROL		00102020.541000.	60.00
56071	SUNRISE ENVIRONMENTAL SCIENTIFIC	GRAFFITI REMOVER	501.141100.	187.02
	SUNRISE ENVIRONMENTAL SCIENTIFIC	WIPEOFF GRAFFITI REMOVER	501.141100.	187.51
56072	TITLEIST	DRIVER SHAFT REPAIR (ROSE)	420.141100.	71.52
	TITLEIST	GOLF BAGS	420.141100.	308.11
56073	TRAVEL ADVANCE FUND	AWC HEALTH ACADEMY - GESSNER	00100310.549011.	159.90
	TRAVEL ADVANCE FUND	COMPUTER FORENSICS - HENDRICKS	00103121.543000.	644.00
56074	THE GREATER MARYSVILLE TULALIP	BUSINESS BEFORE HOURS MEETING	00100060.549000.	92.00
	THE GREATER MARYSVILLE TULALIP		00100110.549000.	23.00
	THE GREATER MARYSVILLE TULALIP		00100720.549000.	23.00

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 5/21/2009 TO 5/27/2009

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT #</u>	<u>ITEM AMOUNT</u>
56075	UNITED PARCEL SERVICE	SHIPPING CHARGES	00103121.542000.	23.65
	UNITED PARCEL SERVICE		00104190.542000.	9.87
56076	UNITED PIPE & SUPPLY INC	METER BOX LID	401.141400.	185.71
56077	UNITED RENTALS	DOME TILE FOR 3RD STREET ADA R	10110361.531000.	179.29
	UNITED RENTALS	CONCRETE	10110361.531000.	220.34
	UNITED RENTALS	CASING COVER,VOLUTE CASING,ETC	50100065.534000.	324.71
56078	US BANK NATIONAL ASSOC TRUSTEE	UB 470110000000 14606 56TH DR	401.122110.	254.43
56079	USA BLUEBOOK	FOOD GRADE ANTI-SEIZE	40140680.531000.	70.00
	USA BLUEBOOK	HYDRANT OIL	40140680.531000.	298.97
56080	UTILITIES UNDERGROUND LOCATION CTR	EXCAVATION NOTIFICATION 4/09	40141180.541000.	818.40
56081	VERIZON NORTHWEST	ACCT #106496225401	40140080.541000.	30.22
	VERIZON NORTHWEST	ACCT #102954091901	50148058.542000.	53.03
56082	VERIZON NORTHWEST	BLACKBERRY CHARGES	00100020.542000.	61.58
	VERIZON NORTHWEST		00100050.542000.	61.58
	VERIZON NORTHWEST		00100110.542000.	123.18
	VERIZON NORTHWEST		00100310.542000.	61.58
	VERIZON NORTHWEST		00101023.542000.	61.58
	VERIZON NORTHWEST		00102020.542000.	61.58
	VERIZON NORTHWEST		00103010.542000.	61.58
	VERIZON NORTHWEST		00105120.542000.	61.58
	VERIZON NORTHWEST		00105515.542000.	123.12
	VERIZON NORTHWEST		40143410.542000.	61.58
	VERIZON NORTHWEST		50350390.542000.	32.56
56083	VERIZON	ACCT #0064811477782	40143410.542000.	79.99
56084	VINSON, DARNELL & MIISHA	UB 981001900000 10019 39TH DR	410.122100.	59.53
56085	WASHINGTON STATE TREASURER	NOTARY FEE - SCHNEIDER	00143523.549000.	30.00
56086	WASTE MANAGEMENT NORTHWEST	YARDWASTE, RECYCLE AND MULTI-F	41046290.541000.	76,713.44
56087	WAXIE SANITARY SUPPLY	GLOVES, HAND SANITIZER	00105380.531400.	66.35
	WAXIE SANITARY SUPPLY	SURPASS,LINER BAGS, TISSUE, GL	00105380.531400.	923.47
56088	WEBCHECK	WEBCHECK CANOPY SERVICE - 4/09	00143523.541000.	288.00
56089	WEED GRAAFSTRA AND BENSON INC PS	BAYVIEW RIDGE PROPERTY ACQUISI	31000076.563000.P0708	18,500.00
56090	WELLS FARGO BANK	UB 020600000000 8727 52ND AVE	401.122110.	13.83
56091	WEST PAYMENT CENTER	WEST INFORMATION CHARGES	00105515.549000.	448.55
56092	WESTERN FACILITIES SUPPLY INC	CLEANING SUPPLIES	00103960.531000.	636.95
	WESTERN FACILITIES SUPPLY INC	(14) ADA ACCESSIBLE SIGNS	00105380.531000.	182.14
56093	CARL WINELAND	TEST MATERIAL FEE	10111160.549000.	33.00
56094	DONNA WRIGHT	MILEAGE REIMBURSEMENT	00100060.543000.	28.11
56095	ZEE MEDICAL SERVICE	FIRST AID RE-SUPPLY	00105380.531000.	38.98

WARRANT TOTAL: 468,117.76

VOIDS

CHECK # 50944 CHECK LOST IN MAIL (58.00)
 CHECK # 55644 INITIATOR ERROR (495.00)

467,564.76

REASON FOR VOIDS:

- INITIATOR ERROR
- WRONG VENDOR
- CHECK LOST IN MAIL

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: Project Acceptance: Grove St and Alder Ave Intersection Improvements	AGENDA SECTION:	
PREPARED BY: Jeff Laycock, Project Engineer	APPROVED BY: <i>[Signature]</i>	
ATTACHMENTS: <ul style="list-style-type: none"> • Letter of Physical Completion • Vicinity Map Exhibit 	MAYOR	CAO
	AMOUNT: N/A	
BUDGET CODE: 30500030.563000 R0804		

DESCRIPTION:

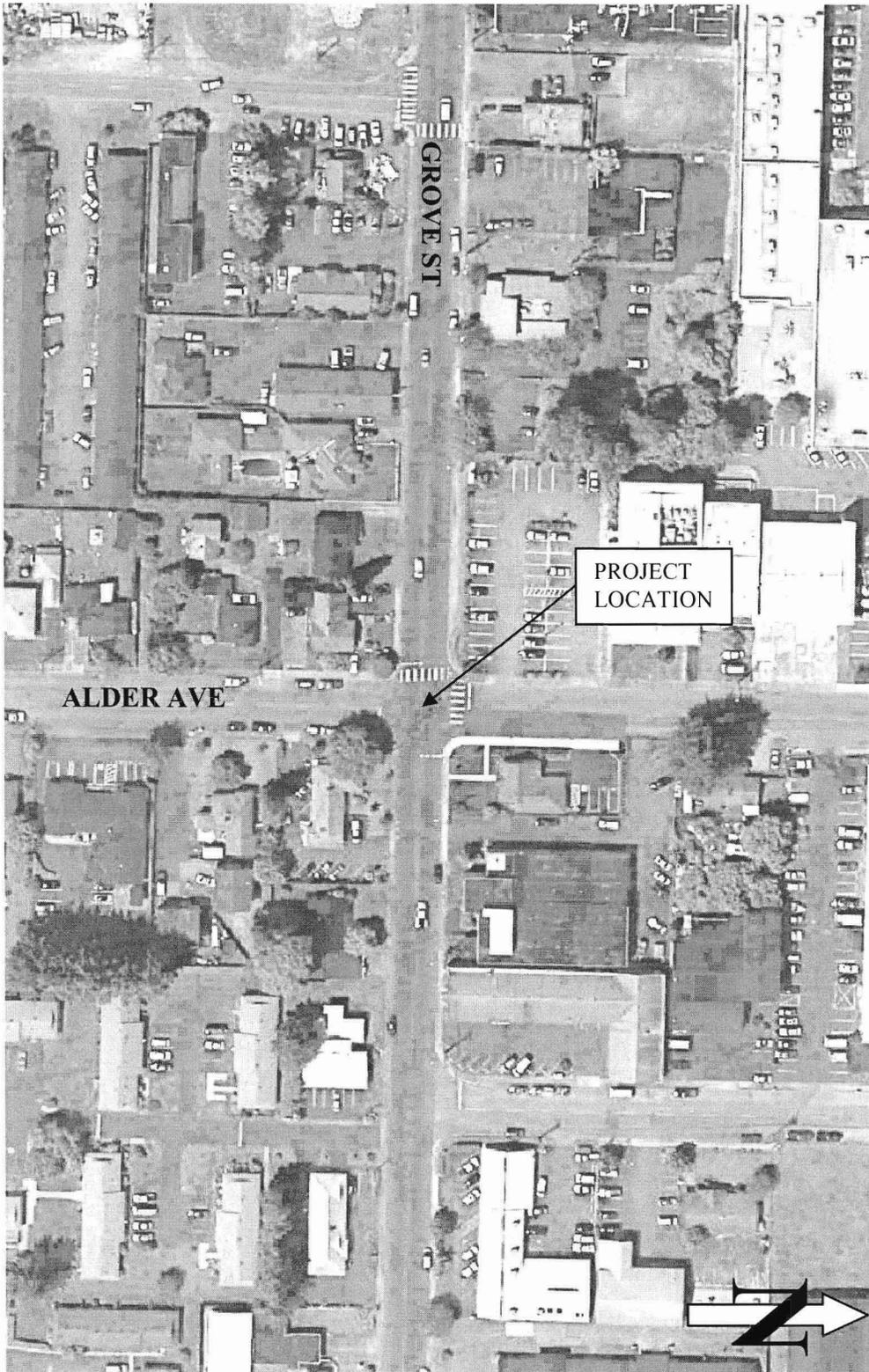
The City Council awarded the “Grove St and Alder Ave Intersection Improvements” contract to Signal Electric on October 13, 2008 in the amount of \$168,881.06.

Signal Electric physically completed the work for this project on April 17, 2009. The project contract was completed at a total cost of \$173,168.87, which is \$4,287.81 more, or 2.5% above the original bid amount but within the management reserve of \$15,000.

The work performed under this Contract was inspected by City Engineering staff and found to be physically complete in accordance with the approved plans and specifications. Staff recommends Council’s acceptance of the project for closeout.

RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to accept the Grove and Alder Intersection Improvements project, starting the 45-day lien filing period for project closeout.
COUNCIL ACTION:

VICINITY MAP EXHIBIT





PUBLIC WORKS
Kevin Nielsen, *Director*

80 Columbia Avenue
Marysville, Washington 98270
Phone (360) 363-8100
Fax (360) 363-8284
ci.marysville.wa.us

April 17, 2009

Signal Electric
Attn: Gordon St Peter
PO Box 6209
Kent, WA 98064-6209

**Subject: R0804 – Grove and Alder Intersection Improvements Project
Notice of Physical Completion of Project**

Dear Gordon:

In accordance with Section 1-05.11 of the APWA Supplement to Standard Specifications, this project was considered physically complete as of Friday, April 17, 2009.

This notification does not constitute completion, or final acceptance by the City per Section 1-05.11(2) of the Contract's General Special Provisions.

While the construction is physically complete, there are still a few outstanding items we need to complete prior to final payment. These items include:

1. Prepare and submit as-builts prior to total payment under Bid Item 1 – Roadway Surveying.
2. Provide confirmation of payment to City police for services provided during turn on of the signal. Please contact Doug Lee to process this invoice. Remaining payment of Bid Item 3 – Project Temporary Traffic Control will be withheld until I receive confirmation of this payment.
3. I will need to process all changes as Change Order 1. While I have received some invoiced from Signal, I need to process all changes into one combined Change Order 1 using the City's standard change order form. Please give me a call at your earliest convenience so we can discuss this.
4. Process the final pay request.

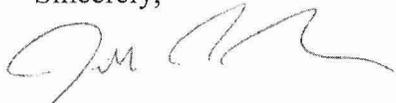
Upon completion of items 1 – 3 above, then we will finalize 4. This project will then be submitted to the City Council for approval of Final Acceptance when the following items have been received by the City of Marysville:

- A. Certificate of Release from the Department of Revenue
- B. Certificate of Release from the Employment Security Department
- C. Affidavits of Wages Paid (including all subcontractors)

Recommendation for Final Acceptance will be sent to the City Council for approval at the first available council meeting. This date of final acceptance shall start the forty-five (45) day lien period for the release of your retainage bond upon receipt of items A – C from above.

It has been a pleasure working with you on this project. I hope that Signal Electric will consider bidding on future projects with the City.

Sincerely,



Jeff Laycock, PE
Project Engineer

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: Project Prospectus and Local Agency Agreement with WSDOT for federal stimulus funding of the 67 th Ave NE overlay project	AGENDA SECTION: New Business	
PREPARED BY: Jeff Laycock, Project Engineer	APPROVED BY: 	
ATTACHMENTS: <ul style="list-style-type: none"> Project Prospectus and Local Agency Agreement Packets (2 copies) 	MAYOR	CAO
	AMOUNT: N/A	
BUDGET CODE: 10200030.541000	AMOUNT: N/A	

DESCRIPTION:

The City was awarded \$500,000 in federal economic stimulus funding via the 2009 American Recovery and Reinvestment Act which is to be applied towards pavement preservation on select federally classified roads.

City staff selected 67th Ave NE from Grove St to SR 528 to apply these funds towards. The project will include the replacement of sidewalk ramps to meet ADA standards, installation of some video detection at the signalized intersections of Grove St and SR 528, pavement repair, edge grinding and a full width overlay, and pavement markings to accommodate a three lane section with bicycle lanes.

Since this is a federal aid project, the funds are managed and dispersed through WSDOT and a Local Agency Agreement is required to administer those funds. The Local Agency Agreement ensures that the federal funds in the agreed upon amount are spent in accordance with all applicable state and federal laws and regulations. The agreement also specifies the procedure for payment and reimbursement of the project.

RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to sign the Project Prospectus and Local Agency Agreement with WSDOT for the 67 th Ave NE Overlay Project.
COUNCIL ACTION:

Appendix 21.41

Prospectus Submittal Checklist

Agency: City of Marysville Project Title: 67th Ave NE Overlay

Use this sheet as a cover sheet to the project prospectus package. Place an "X" in the right column to denote items included.

If not applicable, state N/A. Include in the cover letter a comment explaining the action taken on each item as appropriate.

Note later with an "L" if the information will be supplied at a future date.

Application:

1. Project Prospectus (Chapter 21)	X
2. Vicinity Map	X
3. Typical Roadway or Pathway Section	X
4. Typical Bridge Section	N/A
5. Local Agency Agreement (Chapter 22)	X
6. Documented Cost Estimate (Chapter 22)	X
7. TIP/STIP Inclusion (MPO/County/Agency, selected/limited to \$)	N/A

Supporting Data:

8. Local Agency Design Matrix Checklist (Appendix 42.101)	N/A
9. Photos: (Railroad Crossing, ER event sites, as required)	N/A
10. Sample Deviation Analysis Format (Appendix 41.41)	N/A
11. Environmental Considerations (Chapter 24)	X
a. Class II Categorically Excluded (CE) — Environmental Classification Summary (ECS)	X
b. Class III Environmental Assessment (EA)	N/A
c. Class I Environmental Impact Statement (EIS)	N/A
d. SEPA Checklist	N/A
e. NEPA/SEPA/Section 404 Interagency Working Agreement	N/A
f. Evolutionarily Significant Unit (ESU) Determination of Effect Concurrence	N/A
12. Design Approval (Chapter 43)	N/A
a. Value Engineering Study (where applicable)	N/A
13. Location and Design Approval (Chapter 43)	N/A
14. Right of Way Requirements (Chapter 25)	N/A
a. Relocation Plan	N/A
b. Right of Way Plans	N/A
c. Right of Way Project Funding Estimate or True Cost Estimate	N/A
d. Request Right of Way Fund Authorization	N/A
15. Right of Way Certification (Appendix 25.149)	N/A
16. Agreements/Easements with Railroads, Utilities, and Other Agencies (Chapter 32)	N/A
17. Tied Bids (Chapter 44)	L

Remarks:



Federal Aid Project Number	Prefix	Route	()	Date	May 18, 2009
Local Agency Project Number	M0910	(WSDOT Use Only)		Federal Employer Tax ID Number	91-6001459

Agency City of Marysville		Federal Program Title <input checked="" type="checkbox"/> 20.205 <input type="checkbox"/> Other			
Project Title 67th Ave NE Overlay		Start Latitude	N 480353	Start Longitude	W 1220827
Project Termini From Grove Street		End Latitude	N 480315	End Longitude	W 1220826
To SR 528		Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad			
From: 0	To: 0.75	Length of Project 0.75 Miles		WSDOT Region NW	
Federal Agency <input checked="" type="checkbox"/> FHWA <input type="checkbox"/> Others		City Number 0745	County Number 31	County Name Snohomish	WSDOT Region NW
Congressional District District 2		Legislative Districts Districts 38/44		Urban Area Number 1	TMA / MPO / RTPO PSRC

Phase	Total Estimated Cost (Nearest Hundred Dollar)	Local Agency Funding (Nearest Hundred Dollar)	Federal Funds (Nearest Hundred Dollar)	Phase Start Date	
				Month	Year
P.E.					
R/W					
Const.	\$521,000.00	\$21,000.00	\$500,000.00	July	2009
Total	\$521,000.00	\$21,000.00	\$500,000.00	July	2009

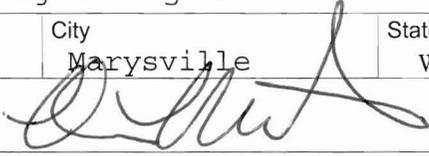
Description of Existing Facility (Existing Design and Present Condition)

Roadway Width 44'	Number of Lanes two lane w/ two parking
----------------------	--

The existing roadway is asphalt pavement. The intersections at Grove St and SR528 are signalized. The pavement is has failed in some sections and has deteriorated enough that it is in need of an overlay.

Description of Proposed Work

Description of Proposed Work (Attach additional sheet(s) if necessary)
67th Ave NE from Grove St to SR 528 will be planed and resurfaced with a 2-inch HMA overlay. Existing curb ramps will be replaced to meet ADA. Failed pavement will be replaced to full depth. Video detection will be installed and loops replaced. Thermoplastic markings will be installed.

Local Agency Contact Person Jeff Laycock, PE	Title Project Engineer	Phone (360) 363-8274
Mailing Address 80 Columbia Ave	City Marysville	State WA
By 		Zip Code 98270
Project Prospectus Approval		Date 3/27/09
Title Public Works Director		Approving Authority

Agency City of Marysville	Project Title 67th Ave NE Overlay	Date May 18, 2009
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Type of Proposed Work		
Project Type (Check all that Apply)	Roadway Width 44'	Number of Lanes 2 travel/ 2 parking
<input type="checkbox"/> New Construction <input type="checkbox"/> Path / Trail <input type="checkbox"/> 3-R <input checked="" type="checkbox"/> Reconstruction <input type="checkbox"/> Pedestrian / Facilities <input type="checkbox"/> 2-R <input type="checkbox"/> Railroad <input type="checkbox"/> Parking <input type="checkbox"/> Other <input type="checkbox"/> Bridge	new lane configuration 2 travel, 1 center, 2 bike	

Geometric Design Data		
Description	Through Route	Crossroad
Federal Functional Classification	<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Principal Arterial <input checked="" type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector	<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Principal Arterial <input checked="" type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector
	<input type="checkbox"/> Rural <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Access Street/Road	<input type="checkbox"/> Rural <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Access Street/Road
Terrain	<input checked="" type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain	<input type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain
Posted Speed	35 MPH	30 (Grove), 35 (SR528)
Design Speed	35 MPH	30 (Grove), 35 (SR528)
Existing ADT	N/A	N/A
Design Year ADT	N/A	N/A
Design Year	N/A	N/A
Design Hourly Volume (DHV)	N/A	N/A

Performance of Work		
Preliminary Engineering Will Be Performed By City of Marysville	Others %	Agency 100 %
Construction Will Be Performed By Contractor	Contract 100 %	Agency %

Environmental Classification	
<input checked="" type="checkbox"/> Final <input type="checkbox"/> Preliminary <input type="checkbox"/> Class I - Environmental Impact Statement (EIS) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement <input type="checkbox"/> Class III - Environmental Assessment (EA) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement	<input checked="" type="checkbox"/> Class II - Categorical Excluded (CE) <input checked="" type="checkbox"/> Projects Requiring Documentation (Documented CE)

Environmental Considerations Approved ECS attached.
--

Agency City of Marysville	Project Title 67th Ave NE Overlay	Date May 18, 2009
------------------------------	--------------------------------------	----------------------

Right of Way		
<input checked="" type="checkbox"/> No Right of Way Required * All construction required by the contract can be accomplished within the existing right of way.	<input type="checkbox"/> Right of Way Required <input type="checkbox"/> No Relocation	<input type="checkbox"/> Relocation Required

Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project
 Existing utilities shall only require adjustment to finish grade. Traffic control loops where removed will be replaced with video detection. Advanced loops where removed will be replaced.

FAA Involvement
 Is any airport located within 3.2 kilometers (2 miles) of the proposed project? Yes No

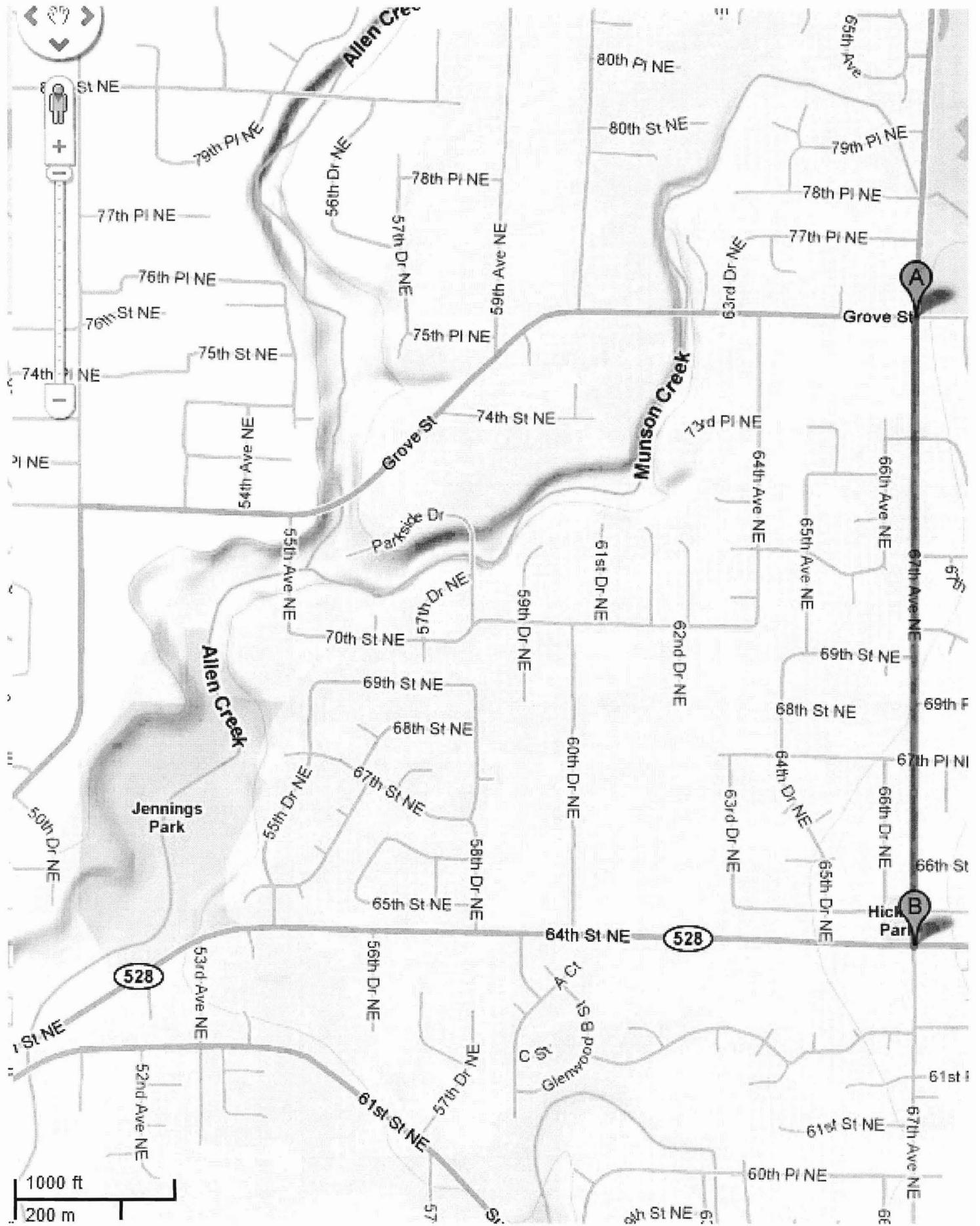
Remarks
 None .

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency City of Marysville

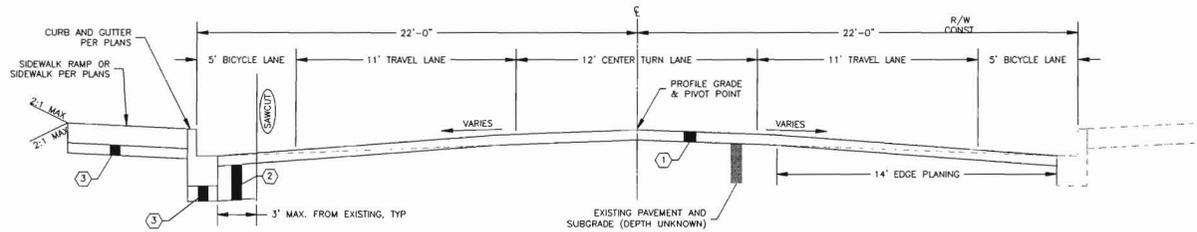
Date _____

By _____
 Mayor/Chairperson



CONSTRUCTION NOTES:

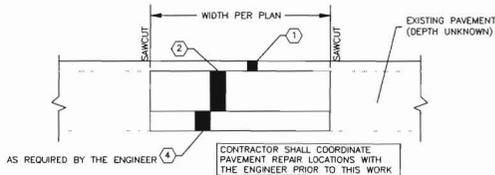
- ① 0.17" HMA CL 1/2" PG 64-22 (WEARING COURSE)
- ② 0.33' ASPHALT TREATED BASE
- ③ 0.25" CRUSHED SURFACING TOP COURSE (CSTC)
- ④ CRUSHED SURFACING BASE COURSE (CSTC)



AS AN ALTERNATIVE TO SAWCUTTING AND PATCHING BACK ASPHALT AS SHOWN AND TO INSTALL NEW SIDEWALK RAMPS, THE CONTRACTOR MAY POUR NEW CURB AND GUTTER ALONG EDGE OF EXPOSED ASPHALT FROM REMOVAL OF EXISTING CURB AND GUTTER. ASPHALT EDGE SHALL BE CLEAN AND UNDAMAGED.

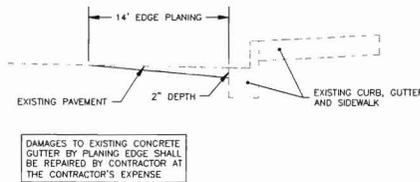
67TH AVE NE TYPICAL ROADWAY SECTION

NTB



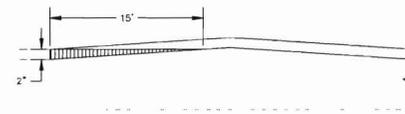
PAVEMENT REPAIR

NTB



EDGE PLANING DETAIL

NTB



BUTT JOINT PLANING DETAIL

NTB

G:\Shoreline\Engineering\Projects\Transportation\2009_Stimulus_Overlay\CAD\Drawings_C01.dwg



CALL BEFORE YOU DIG
1-800-424-5555

ELEVATION DATUM IS NAVD 88

REVISIONS	DATE	DESIGN BY: JEFF LAYCOCK, PE	4/17/2009
1.		ENGINEERING CHECKER: JOHN TATUM	
2.		CONSTRUCTION SUPERVISOR: B. GUNDERSON	
3.		OPERATIONS MANAGER: TERRY HAWLEY	
4.		P.W. SUPERINTENDENT: LARRY LARSON	

EXAMINED AND APPROVED FOR CONSTRUCTION ON _____ DAY OF _____ BY _____ P.E. CITY ENGINEER
NEW FOR CONSTRUCTION - REVIEW ONLY
CITY OF MARYSVILLE DEPARTMENT OF PUBLIC WORKS



CITY OF MARYSVILLE PUBLIC WORKS DEPARTMENT
88 COLUMBIA AVE MARYSVILLE, WA 98270 (360) 263-0180
67TH AVE NE OVERLAY SECTIONS AND DETAILS

HOR SCALE N/A
VER SCALE N/A
DWG. NO. 001
SHEET 2 of 14

Documented Cost Estimate
67th Ave (Grove St to SR528) Overlay

SPEC #	BID ITEM #	ITEM	UNIT	QTY	ENGINEER'S ESTIMATE	
					UNIT COST	TOTAL PRICE
1-09.7	1	MOBILIZATION (MAX 8%)	LS	1	\$26,000.00	\$26,000.00
1-07.15(1)	2	SPCC PLAN	LS	1	\$1,000.00	\$1,000.00
1-10.5	3	PROJECT TEMPORARY TRAFFIC CONTROL	LS	1	\$45,000.00	\$45,000.00
4-04.5	4	CRUSHED SURFACING BASE COURSE	TON	25	\$30.00	\$750.00
4-06.5	5	ASPHALT TREATED BASE	TON	100	\$72.00	\$7,200.00
5-04.5	6	PLANING BITUMINOUS PAVEMENT	SY	14000	\$3.50	\$49,000.00
5-04.5	7	HMA CI. 1/2 IN PG 64-22	TON	2700	\$78.00	\$210,600.00
5-04.5	8	PAVEMENT REPAIR EXC. INCL. HAUL	SY	200	\$26.50	\$5,300.00
7-05.5	9	INSTALL FRAME AND SOLID COVER	EACH	2	\$500.00	\$1,000.00
7-05.5	10	ADJUST CATCH BASIN	EACH	3	\$350.00	\$1,050.00
7-05.5	11	ADJUST MANHOLE	EACH	8	\$500.00	\$4,000.00
7-12.5	12	ADJUST WATER VALVES	EACH	8	\$150.00	\$1,200.00
8-02.5	13	PROPERTY RESTORATION	LS	1	\$2,000.00	\$2,000.00
8-04.5	14	CEMENT CONC. TRAFFIC CURB AND GUTTER	LF	500	\$54.00	\$27,000.00
8-04.5	15	CEMENT CONC. PEDESTRIAN CURB	LF	275	\$33.00	\$9,075.00
8-09.5	16	RAISED PAVEMENT MARKER TYPE 2	HUN	3	\$300.00	\$900.00
8-13.5	17	ADJUST MONUMENT CASE AND COVER	EACH	12	\$200.00	\$2,400.00
8-14.5	18	CEMENT CONC. SIDEWALK	SY	75	\$73.00	\$5,475.00
8-14.5	19	CEMENT CONC. SIDEWALK RAMP TYPE 2	EACH	14	\$1,800.00	\$25,200.00
8-14.5	20	RAMP DETECTABLE WARNING RETROFIT	EACH	6	\$450.00	\$2,700.00
8-20.5	21	TRAFFIC SIGNAL SYSTEM	LS	1	\$25,000.00	\$25,000.00
8-21.5	22	PERMANENT SIGNING	LS	1	\$4,000.00	\$4,000.00
8-22.5	23	PLASTIC LINE	LF	12800	\$1.00	\$12,800.00
8-22.5	24	PLASTIC WIDE LINE	LF	7250	\$2.00	\$14,500.00
8-22.5	25	PLASTIC STOP LINE	LF	250	\$5.00	\$1,250.00
8-22.5	26	PLASTIC TRAFFIC ARROW	EACH	31	\$100.00	\$3,100.00
8-22.5	27	PLASTIC CROSSWALK LINE	SF	2200	\$5.00	\$11,000.00
8-22.5	28	PLASTIC BICYCLE LANE MARKING	EACH	15	\$100.00	\$1,500.00
CONSTRUCTION ESTIMATE						500,000.00
CONSTRUCTION ENGINEERING						
WSDOT (ROM, etc)						1,000.00
CITY (overages, consultant, etc)						20,000.00
PROJECT TOTAL						521,000.00

Local Agency Agreement

Agency City of Marysville
Address Attn: Jeff Laycock, PE
80 Columbia Ave
Marysville, WA 98270

CFDA No. 20.205 (Catalog of Federal Domestic Assistance) Project No. _____ Agreement No. _____ <p style="text-align: center;">For OSC WSDOT Use Only</p>
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The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) Office of Management and Budget Circulars A-102, A-87 and A-133, (4) the policies and procedures promulgated by the Washington State Department of Transportation, and (5) the federal aid project agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line r, column 3, without written authority by the State, subject to the approval of the Federal Highway Administration. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

Project Description

Name 67th Ave NE Overlay Length 0.75 Miles
 Termini Grove St to SR 528

Description of Work

Plane and overlay 67th Ave NE from Grove St to SR 528, including replacement of curb ramps to meet ADA, pavement repair, installation of video detection, loop replacement, utility adjustment, and thermoplastic markings.

Type of Work	Estimate of Funding		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated Federal Funds
PE			
<u>0</u> %			
a. Agency			
b. Other			
c. Other			
Federal Aid Participation Ratio for PE			
d. State			
e. Total PE Cost Estimate (a+b+c+d)			
Right of Way			
<u>0</u> %			
f. Agency			
g. Other			
h. Other			
Federal Aid Participation Ratio for RW			
i. State			
j. Total R/W Cost Estimate (f+g+h+i)			
Construction			
k. Contract	\$500,000.00		\$500,000.00
l. Other			
m. Other			
n. Other			
<u>100</u> %			
o. Agency	\$20,000.00	\$20,000.00	
p. State	\$1,000.00	\$1,000.00	
Federal Aid Participation Ratio for CN			
q. Total CN Cost Estimate (k+l+m+n+o+p)	\$521,000.00	\$21,000.00	\$500,000.00
r. Total Project Cost Estimate (e+j+q)	\$521,000.00	\$21,000.00	\$500,000.00

Agency Official
 By _____
 Title _____

Washington State Department of Transportation
 By _____
 Assistant Secretary for Highways and Local Programs
 Date Executed _____

Construction Method of Financing (Check Method Selected)

State Ad and Award

- Method A - Advance Payment - Agency Share of total construction cost (based on contract award)
- Method B - Withhold from gas tax the Agency's share of total construction cost (line 4, column 2) in the amount of \$ _____ at \$ _____ per month for _____ months.

Local Force or Local Ad and Award

- Method C - Agency cost incurred with partial reimbursement

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the federal funds obligated, it accepts and will comply with the applicable provisions set forth below. Adopted by official action on _____, _____, Resolution/Ordinance No. _____

Provisions

I. Scope of Work

The Agency shall provide all the work, labor, materials, and services necessary to perform the project which is described and set forth in detail in the "Project Description" and "Type of Work."

When the State acts for and on behalf of the Agency, the State shall be deemed an agent of the Agency and shall perform the services described and indicated in "Type of Work" on the face of this agreement, in accordance with plans and specifications as proposed by the Agency and approved by the State and the Federal Highway Administration.

When the State acts for the Agency but is not subject to the right of control by the Agency, the State shall have the right to perform the work subject to the ordinary procedures of the State and Federal Highway Administration.

II. Delegation of Authority

The State is willing to fulfill the responsibilities to the Federal Government by the administration of this project. The Agency agrees that the State shall have the full authority to carry out this administration. The State shall review, process, and approve documents required for federal aid reimbursement in accordance with federal requirements. If the State advertises and awards the contract, the State will further act for the Agency in all matters concerning the project as requested by the Agency. If the Local Agency advertises and awards the project, the State shall review the work to ensure conformity with the approved plans and specifications.

III. Project Administration

Certain types of work and services shall be provided by the State on this project as requested by the Agency and described in the Type of Work above. In addition, the State will furnish qualified personnel for the supervision and inspection of the work in progress. On Local Agency advertised and awarded projects, the supervision and inspection shall be limited to ensuring all work is in conformance with approved plans, specifications, and federal aid requirements. The salary of such engineer or other supervisor and all other salaries and costs incurred by State forces upon the project will be considered a cost thereof. All costs related to this project incurred by employees of the State in the customary manner on highway payrolls and vouchers shall be charged as costs of the project.

IV. Availability of Records

All project records in support of all costs incurred and actual expenditures kept by the Agency are to be maintained in accordance with local government accounting procedures prescribed by the Washington State Auditor's Office, the U.S. Department of Transportation, and the Washington State Department of Transportation. The records shall be open to inspection by the State and Federal Government at all reasonable times and shall be retained and made available for such inspection for a period of not less than three years from the final payment of any federal aid funds to the Agency. Copies of said records shall be furnished to the State and/or Federal Government upon request.

V. Compliance with Provisions

The Agency shall not incur any federal aid participation costs on any classification of work on this project until authorized in writing by the State for each classification. The classifications of work for projects are:

1. Preliminary engineering.
2. Right of way acquisition.
3. Project construction.

In the event that right of way acquisition, or actual construction of the road, for which preliminary engineering is undertaken is not started by the closing of the tenth fiscal year following the fiscal year in which the agreement is executed, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

The Agency agrees that all stages of construction necessary to provide the initially planned complete facility within the limits of this project will conform to at least the minimum values set by approved statewide design standards applicable to this class of highways, even though such additional work is financed without federal aid participation.

The Agency agrees that on federal aid highway construction projects, the current federal aid regulations which apply to liquidated damages relative to the basis of federal participation in the project cost shall be applicable in the event the contractor fails to complete the contract within the contract time.

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, and Office of Management and Budget circulars A-102, A-87 and A-133. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in the federal Office of Management & Budget (OMB) circular A-87, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

1. Project Construction Costs

Project construction financing will be accomplished by one of the three methods as indicated in this agreement.

Method A – The Agency will place with the State, within (20) days after the execution of the construction contract, an advance in the amount of the Agency’s share of the total construction cost based on the contract award. The State will notify the Agency of the exact amount to be deposited with the State. The State will pay all costs incurred under the contract upon presentation of progress billings from the contractor. Following such payments, the State will submit a billing to the Federal Government for the federal aid participation share of the cost. When the project is substantially completed and final actual costs of the project can be determined, the State will present the Agency with a final billing showing the amount due the State or the amount due the Agency. This billing will be cleared by either a payment from the Agency to the State or by a refund from the State to the Agency.

Method B – The Agency’s share of the total construction cost as shown on the face of this agreement shall be withheld from its monthly fuel tax allotments. The face of this agreement establishes the months in which the withholding shall take place and the exact amount to be withheld each month. The extent of withholding will be confirmed by letter from the State at the time of contract award. Upon receipt of progress billings from the contractor, the State will submit such billings to the Federal Government for payment of its participating portion of such billings.

Method C – The Agency may submit vouchers to the State in the format prescribed by the State, in duplicate, not more than once per month for those costs eligible for Federal participation to the extent that such costs are directly attributable and properly allocable to this project. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for Federal participation unless claimed under a previously approved indirect cost plan.

The State shall reimburse the Agency for the Federal share of eligible project costs up to the amount shown on the face of this agreement. At the time of audit, the Agency will provide documentation of all costs incurred on the project.

The State shall bill the Agency for all costs incurred by the State relative to the project. The State shall also bill the Agency for the federal funds paid by the State to the Agency for project costs which are subsequently determined to be ineligible for federal participation (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant’s records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency’s files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and Office of Management and Budget Circular A-133.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation (see Section IX).

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal Office of Management and Budget (OMB) Circular A-133 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$500,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of OMB Circular A-133. Upon conclusion of the A-133 audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State’s billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed the Assistant Secretary for Highways and Local Programs.

X. Traffic Control, Signing, Marking, and Roadway Maintenance

The Agency will not permit any changes to be made in the provisions for parking regulations and traffic control on this project without prior approval of the State and Federal Highway Administration. The Agency will not install or permit to be installed any signs, signals, or markings not in conformance with the standards approved by the Federal Highway Administration and MUTCD. The Agency will, at its own expense, maintain the improvement covered by this agreement.

XI. Indemnity

The Agency shall hold the Federal Government and the State harmless from and shall process and defend at its own expense all claims, demands, or suits, whether at law or equity brought against the Agency, State, or Federal Government, arising from the Agency’s execution, performance, or failure to perform any of the provisions of this agreement, or of any other agreement or contract connected with this agreement, or arising by reason of the participation of the State or Federal Government in the project, PROVIDED, nothing herein shall require the Agency to reimburse the State or the Federal Government for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Federal Government or the State.

XII. Nondiscrimination Provision

No liability shall attach to the State or Federal Government except as expressly provided herein.

The Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract and/or agreement or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts and agreements. The WSDOT’s DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Agency of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

The Agency hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the rules and regulations of the Secretary of Labor in 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee or understanding pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, the required contract provisions for Federal-Aid Contracts (FHWA 1273), located in Chapter 44 of the Local Agency Guidelines.

The Agency further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or Local Government, the above equal opportunity clause is not applicable to any agency, instrumentality, or subdivision of such government which does not participate in work on or under the contract.

The Agency also agrees:

- (1) To assist and cooperate actively with the State in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary of Labor.
- (2) To furnish the State such information as it may require for the supervision of such compliance and that it will otherwise assist the State in the discharge of its primary responsibility for securing compliance.
- (3) To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order.
- (4) To carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the State, Federal Highway Administration, or the Secretary of Labor pursuant to Part II, subpart D of the Executive Order.

In addition, the Agency agrees that if it fails or refuses to comply with these undertakings, the State may take any or all of the following actions:

(a) Cancel, terminate, or suspend this agreement in whole or in part;

(b) Refrain from extending any further assistance to the Agency under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency; and

(c) Refer the case to the Department of Justice for appropriate legal proceedings.

XIII. Liquidated Damages

The Agency hereby agrees that the liquidated damages provisions of 23 CFR Part 635, Subpart 127, as supplemented, relative to the amount of Federal participation in the project cost, shall be applicable in the event the contractor fails to complete the contract within the contract time. Failure to include liquidated damages provision will not relieve the Agency from reduction of federal participation in accordance with this paragraph.

XIV. Termination for Public Convenience

The Secretary of the Washington State Department of Transportation may terminate the contract in whole, or from time to time in part, whenever:

(1) The requisite federal funding becomes unavailable through failure of appropriation or otherwise.

(2) The contractor is prevented from proceeding with the work as a direct result of an Executive Order of the President with respect to the prosecution of war or in the interest of national defense, or an Executive Order of the President or Governor of the State with respect to the preservation of energy resources.

(3) The contractor is prevented from proceeding with the work by reason of a preliminary, special, or permanent restraining order of a court of competent jurisdiction where the issuance of such order is primarily caused by the acts or omissions of persons or agencies other than the contractor.

(4) The Secretary determines that such termination is in the best interests of the State.

XV. Venue for Claims and/or Causes of Action

For the convenience of the parties to this contract, it is agreed that any claims and/or causes of action which the Local Agency has against the State of Washington, growing out of this contract or the project with which it is concerned, shall be brought only in the Superior Court for Thurston County.

XVI. Certification Regarding the Restrictions of the Use of Federal Funds for Lobbying

The approving authority certifies, to the best of his or her knowledge and belief, that:

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

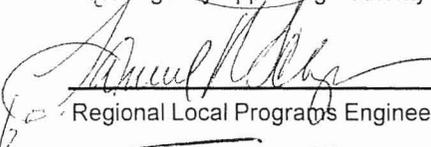
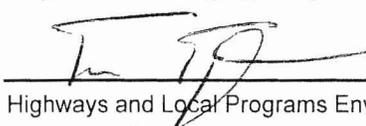
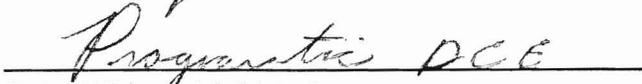
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification as a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Additional Provisions

Part 1 Project Description			
Federal Aid Project Number	Route	Date 3/6/2009	Intent of Submittal <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency City of Marysville		Federal Program Title <input checked="" type="checkbox"/> 20.205 <input type="checkbox"/> Other	
Project Title Street Overlay Project			
Beginning MP <u>multiple</u>	Townships <u>30</u>		
Ending MP <u>multiple</u>	Ranges <u>5</u>		
Miles _____	Sections <u>26, 27, 28</u>		
County Snohomish			
Project Description - Describe the proposed project, including the purpose and need for the project. Resurface 67th Ave. NE, SR 528 to Grove St. and 8th St. NE, Cedar Ave. to State Ave including asphalt planing and asphalt overlay due to deteriorating and failed pavements. Project includes replacing existing ADA ramps with new ADA compliant ramps.			

Part 2 Environmental Classification	
<p style="text-align: center;">NEPA</p> <input type="checkbox"/> Class I - Environmental Impact Statement (EIS) <input checked="" type="checkbox"/> Class II - Categoricaly Excluded (CE) CE Type (from 23 CFR 771.117) _____ <input type="checkbox"/> Projects Requiring Documentation (Documented CE) (LAG 24.22) <input checked="" type="checkbox"/> Programmatic CE MOU <input type="checkbox"/> Class III - Environmental Assessment (EA)	<p style="text-align: center;">SEPA</p> <input checked="" type="checkbox"/> Categoricaly exempt per WAC 197-11-800 <input type="checkbox"/> Determination of Non-Significance (DNS) <input type="checkbox"/> Environmental Impact Statement (EIS) <input type="checkbox"/> Adoption <input type="checkbox"/> Addendum <input type="checkbox"/> Supplemental (For informational purpose only)

NEPA Approval Signatures

 _____ Local Agency Approving Authority	<u>3/11/09</u> _____ Date
 _____ Regional Local Programs Engineer	<u>3/17/09</u> _____ Date
 _____ Highways and Local Programs Environmental Engineer	<u>3/23/09</u> _____ Date
 _____ Federal Highway Administration	<u>3/23/09</u> _____ Date

Completed By (Print Official's Name)	Telephone (include area code)	Fax (include area code)
		E-mail

CITY OF MARYSVILLE
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: Approval of New For-Hire Business to Operate in Marysville	AGENDA SECTION: Consent	
PREPARED BY: Carol Mulligan, Program Specialist	AGENDA NUMBER:	
ATTACHMENTS: 1. Copy of For-Hire Business License Application 2. Copy of Police Department Approval. 3. Copy of Registration with the Department of Licensing. 4. Copy of List of all Vehicles to Operate in Marysville. 5. Copy of Certificates of Liability Insurance Coverage for all Vehicles to Operate in Marysville. 6. MMC 5.24 "For Hire Vehicles"	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Wolley Dispatch, Inc. dba Ace Taxi has submitted an application to operate a "For-Hire" Taxi business in Marysville initially consisting of six (6) for-hire taxi vehicles.

In accordance to MMC 5.24.060(2): a) the applicant, by deed and word, has demonstrated the willingness and ability to provide public transportation services in full compliance with this chapter; b) the applicant has provided documentation, including vehicle number, make, model, and VIN numbers, for each vehicle verifying the number of public service vehicles as ten. With the continued growth of the greater Marysville area, the number of residents and visitors have increased accordingly with a corresponding increase in the necessity of public transportation services; c) the proposed increase of ten vehicles should not create any adverse impact on environmental or economic growth.

City Staff have determined that all required information has been submitted in its entirety and to the satisfaction of the department. Currently, there are six (6) For-Hire businesses licensed and operating in the City of Marysville: *AAA Taxi, Eagle Taxi, American Checker Taxi Cab, North City Taxi, Yellow Cab of Marysville* and *Yellow Cab of Washington*.

RECOMMENDED ACTION: City Staff recommends City Council approve the application for <i>Wolley Dispatch, Inc. dba Ace Taxi</i> to operate a For-Hire business in Marysville.
COUNCIL ACTION:



APPLICATION FOR A "FOR-HIRE" TAXI-CAB BUSINESS LICENSE

NEW _____ RENEWAL _____

NAME BEYENE KIDANE Yi DATE 04/06/09
Last First Middle

HOME ADDRESS 415 ROSEN AVE #415 CITY Seattle, WA ZIP 98104

HOME PHONE 206-682-0185 CELL PHONE 206-427-2823

ASSUMED NAMES OR ALIASES

BUSINESS NAME Wolley Dispatch Inc ADDRESS 31615 3rd Ave
BUSINESS PHONE 253-589-1000 DBA ACE TAXI Black Diamond, WA 98010

PRINCIPAL OCCUPATION president of Wolley Dispatch LENGTH OF RESIDENCE IN CITY

IF RESIDENCE LESS THAN 5 YEARS, LIST PREVIOUS ADDRESSES

- 1. 2. 3. 4.

SEX M BIRTHDATE BIRTHPLACE Addis Ababa, Ethiopia
HAIR Black EYES Black WEIGHT 175 HEIGHT 508

PLEASE ATTACH A COPY OF YOUR VALID WASHINGTON STATE LICENSE:

DRIVER'S LICENSE # SOCIAL SECURITY #

EXPERIENCE:

HAVE YOU EVER BEEN LICENSED TO DRIVE A "FOR-HIRE" VEHICLE? Seattle, WA (yes)
WHERE? Seattle WA

PLEASE PROVIDE A DETAILED EXPLANATION OF YOUR EMPLOYMENT HISTORY FOR THE PAST 5 YEARS, INCLUDING THE TRANSPORTATION OF PASSENGERS: I have been a cab driver and owner of a medical transportation company and now a taxi company, and I have extensive experience in this field. I have 2 cabs in Pierce County and Thurston County.

CRIMINAL HISTORY:

FAILURE TO GIVE COMPLETE HISTORY REGARDING CRIMINAL AND TRAFFIC RELATED OFFENSES WILL RESULT IN DENIAL OF YOUR APPLICATION.

PLEASE INITIAL BELOW TO INDICATE THAT YOU HAVE READ AND UNDERSTAND THE ABOVE STATEMENT

INITIAL

Received

MAY 05 2009

Have you ever been convicted of a crime? NO If yes, give full details, including dates, charges, and final outcome with the court system for any and all charges that have occurred within the past five (5) years:

Blank lines for criminal history details.

Have you ever received a traffic infraction (ticket)? Yes If yes, give full details, including dates, charges, and final outcome with the court system for any and all charges:

on November 25 I forgot to renew my insurance and I haven't the insurance certificate in my car at the time and paid the money which I got for the infraction ticket.

ROUTE SLIP

atch, Inc. dba Ace Taxi

Date: 5-13-09

To: Taxi business located in Black Diamond, WA - would like to operate taxi service in the Marysville area
 Planning
 Building
 Fire
 Police Department
 Paul Rochon
 Other Marysville Police Department

"RE" TAXI-CAB BUSINESS LICENSE

RENEWAL _____

Yi DATE 04/06/09
Middle

215 CITY Seattle, WA ZIP 98104
CELL PHONE 206-427-2823

ADDRESS 31615 3rd Ave
BA ACE TAXI, Black Diamond, WA 98010

LENGTH OF RESIDENCE IN CITY _____

PREVIOUS ADDRESSES

3. _____

4. _____

MAY 14 2009

A For Your Approval
 For Your Information
A Return By: 5-27-09

PLEASE NOTE: A NON-RESPONSE BY RETURN DUE-DATE WILL BE CONSIDERED AS NO OBJECTION TO LICENSE ISSUANCE.

SEX M BIRTHDATE [REDACTED] BIRTHPLACE Addis Ababa, Ethiopia
HAIR Black EYES Black WEIGHT 175 HEIGHT 508

PLEASE ATTACH A COPY OF YOUR VALID WASHINGTON STATE LICENSE:

DRIVER'S LICENSE # [REDACTED] SOCIAL SECURITY # [REDACTED]

EXPERIENCE:

HAVE YOU EVER BEEN LICENSED TO DRIVE A "FOR-HIRE" VEHICLE? Seattle, WA (yes)
WHERE? Seattle WA

PLEASE PROVIDE A DETAILED EXPLANATION OF YOUR EMPLOYMENT HISTORY FOR THE PAST 5 YEARS, INCLUDING THE TRANSPORTATION OF PASSENGERS: I have been a cab driver and owner of a medical transportation company and now a taxi company, and I have extensive experience in this field. I have 12 cabs in pierce county and Thurston county.

CRIMINAL HISTORY:

FAILURE TO GIVE COMPLETE HISTORY REGARDING CRIMINAL AND TRAFFIC RELATED OFFENSES WILL RESULT IN DENIAL OF YOUR APPLICATION.

PLEASE INITIAL BELOW TO INDICATE THAT YOU HAVE READ AND UNDERSTAND THE ABOVE STATEMENT

YI
INITIAL

Received

MAY 05 2009

Have you ever been convicted of a crime? NO If yes, give full details, including dates, charges, and final outcome with the court system for any and all charges that have occurred **within the past five (5) years:**

Have you ever received a traffic infraction (ticket)? Yes If yes, give full details, including dates, charges, and final outcome with the court system for any and all charges:

on November 25 I forgot to renew my insurance and I haven't the insurance certificate on my car at the time and paid the money which I got for the infraction ticket



STATE OF WASHINGTON

MASTER LICENSE SERVICE REGISTRATIONS AND LICENSES

PO Box 9034 • Olympia, WA 98507-9034 • (360) 664-1400

Domestic Profit Corporation

Unified Business ID #: 602 873 521

Business ID #: 1

Location: 1

Expires: 10-31-2009

WOLLEY DISPATCH, INC.
ACE TAXI
31615 3RD AVE
BLACK DIAMOND WA 98010 9737

TAX REGISTRATION
FOR HIRE
FOR HIRE VEHICLE (8)

TAXI METER (7)

REGISTERED TRADE NAMES:
ACE TAXI

Received

MAY 05 2009

City of Marysville
Community Development

Received

MAY 15 2009

City of Marysville
Community Development

Received

MAY 05 2009

City of Marysville
Community Development

The licensee named above has been issued the business registrations or licenses listed. By accepting this document the licensee certifies the information provided on the application for these licenses was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Elizabeth A. Luce

Director, Department of Licensing

STATE OF WASHINGTON
EXPIRATION DATE
10-31-2009

111
CH, INC.
WA 98010 9737

ION
ICLE (8)
7)

The A. Luce

Department of Licensing

SECTION FOR YOUR WALLET

WOLLEY DISPATCH dba ACE TAXI

INITIAL LIST OF VEHICLES TO OPERATE IN MARYSVILLE

Cab#	Year	Vin	Make	Model	Plate
343	2000	2FAP71W5YX201865	Ford	Crown Victoria	684WLS
346	1996	1P4GP44R5TB114834	Plymouth	Voyager	063TTE
348	1996	2FALP71W5TX141887	Ford	Crown Victoria	241YGW
350	1997	2FALP71W4VX184524	Ford	Crown Victoria	865RNO
455	1996	2FALP71W0TX118372	Ford	Crown Victoria	203TBO
454	2000	2C4GJ44G0YR739588	Chrysler	Voyager	714XGZ



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/18/2009

PRODUCER 206-264-6267 Fax: 206-299-4499 Top Notch Insurance Solutions 2118 8th Ave. Seattle, WA 98121	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.												
INSURED Wolley Dispatch, Inc DBA Ace Taxi 31615 3RD AVE Black Diamond, WA 98010	<table border="1"> <tr> <th>INSURERS AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: Lincoln General Insurance Company</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: Lincoln General Insurance Company		INSURER B:		INSURER C:		INSURER D:		INSURER E:	
INSURERS AFFORDING COVERAGE	NAIC #												
INSURER A: Lincoln General Insurance Company													
INSURER B:													
INSURER C:													
INSURER D:													
INSURER E:													

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSRT ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (EA occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
A		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Deductible \$1,000.00 <input checked="" type="checkbox"/> UM-50,000	TCA6008088	10/17/2008	10/17/2009	COMBINED SINGLE LIMIT (EA accident) \$ BODILY INJURY (Per person) \$ 100,000 BODILY INJURY (Per accident) \$ 300,000 PROPERTY DAMAGE (Per accident) \$ 50,000
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STAT. TORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		OTHER Underinsured Split Limit				\$25,000/50,000/10,000

Received
MAY 18 2009

City of Marysville
Community Development

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Evidence of Insurance
 ADD 2000 Ford Crown Vic VIN#2FAPP71W5YX201865 as of 5/18/2009.
 ADD 1996 Ford Crown Vic VIN#2FALP71W5TX141887 as of 5/18/2009.
 ADD 1996 Ford Crown Vic VIN#2FALP71W0TX118372 as of 5/18/2009.
 ADD 1996 Plym VoySW VIN#1P4GP44R5TB114834 as of 5/18/2009.
 ADD 1997 Ford Crown Vic VIN#2FALP71W4VX184524 as of 5/18/2009.

CERTIFICATE HOLDER City of Marysville 1049 State Ave. # 201 Marysville, WA 98270 Fax#: 360-651-5033	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE
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Chapter 5.24

FOR-HIRE VEHICLES

Sections:

- 5.24.010 Definitions.
- 5.24.020 For-hire vehicle license required.
- 5.24.030 For-hire vehicle license application.
- 5.24.040 Criminal record.
- 5.24.050 Liability insurance.
- 5.24.060 Issuance of for-hire vehicle license.
- 5.24.070 License fees.
- 5.24.080 Driver's permit – Required.
- 5.24.090 Driver's permit – Application.
- 5.24.100 Issuance of driver's permit.
- 5.24.110 Driver's permit – Display.
- 5.24.120 Vehicle equipment.
- 5.24.130 Vehicle markings.
- 5.24.140 Rate schedule.
- 5.24.150 Call record required – Inspection.
- 5.24.160 Direct route required.
- 5.24.170 Receipts.
- 5.24.180 Fraud or refusal to pay fare.
- 5.24.190 Loading and discharging passengers.
- 5.24.200 Parking restriction.
- 5.24.210 Number of passengers restricted.
- 5.24.220 Prohibited acts of drivers.
- 5.24.230 Public service requirements.
- 5.24.240 Suspension or revocation of license.
- 5.24.250 Violation – Penalty.

5.24.010 Definitions.

The following words and phrases when used in this chapter have the meanings as set out in this section:

(1) "Convalescent coaches" means motor vehicles for hire designed for the transportation of handicapped persons who by reason of physical or mental infirmity may not be conveniently transported on public mass transportation vehicles or in taxicabs or who cannot drive their own automobile. The patients transported by such vehicles shall be limited to the following classes of patients:

(a) Patients transported by wheel chair must be able to get into the chair with the help of one person;

(b) Patients must be stable and able to take care of themselves;

(c) Patients must not be incapacitated by medication nor need oxygen or aid en route;

(d) Litter patient may be transported if he meets requirements specified in paragraphs (b) and (c) of this subsection.

(2) "For-hire vehicle" means and includes every motor vehicle used for the transportation of

passengers for hire, and not operated exclusively over a fixed and defined route. This term shall also include motor vehicles designated as "taxicabs" and "convalescent coaches".

(3) "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers and the amount of the fare of each trip.

(4) "Person" includes an individual, a corporation or other legal entity, a partnership and any unincorporated association.

(5) "Rate card" means a card issued by the city clerk for display in each taxicab which contains the rates of fare then in force.

(6) "Waiting time" means the time when a vehicle for hire is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or default of a passenger or passengers. (Ord. 1143 § 2, 1980).

5.24.020 For-hire vehicle license required.

It is unlawful to operate any motor vehicle for hire, including taxicabs and convalescent coaches, over or upon or along any of the streets or alleys of the city without having procured a for-hire vehicle license from the city clerk. (Ord. 1143 § 2, 1980).

5.24.030 For-hire vehicle license application.

Applicants for for-hire vehicle licenses shall furnish the following information:

(1) The financial status of the applicant including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments;

(2) The experience of the applicant in the transportation of passengers;

(3) Any facts which establish that public convenience and necessity require the granting of the license;

(4) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;

(5) For each for-hire vehicle, the company vehicle number therefor, the make, model and identifying color scheme, monogram or insignia, and serial number of the vehicle;

(6) If the applicant is a corporation, it shall accompany the application with a list of the names and addresses of all officers, directors and stockholders;

(7) The criminal record for the past five years relating to crimes of moral turpitude and fraud, for

each and every owner or manager of the business;

(8) Such further information as the city clerk may require. (Ord. 1143 § 2, 1980).

5.24.040 Criminal record.

No for-hire vehicle license shall be issued if the applicant, owner or manager of the business has been convicted of a crime of moral turpitude, or one involving intent to defraud, within the preceding five years. (Ord. 1143 § 2, 1980).

5.24.050 Liability insurance.

(1) Every applicant shall file with the city clerk proof of a current and subsisting policy or policies of public liability insurance, approved as to sufficiency by the city clerk, and as to form by the city attorney, issued by an insurance company or companies authorized to do business in the state, providing liability insurance coverage for each and every vehicle for hire owned, operated and/or leased by the applicant. Such insurance shall be in the sum of \$100,000 for the injury or death of one person, or \$300,000 for the injury or death of more than one person in any one accident, and \$50,000 for property damage.

(2) Every such policy of insurance shall continue to the full amount thereof notwithstanding any recovery thereon and shall provide that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured. The policy shall be for the benefit of any and all judgment creditors. Each insurance policy required hereunder shall extend for the period covered by the license applied for and the insurer shall be obliged to give not less than 10 days' written notice to the city clerk in the event of any change or cancellation. (Ord. 1143 § 2, 1980).

5.24.060 Issuance of for-hire vehicle license.

(1) If the city clerk finds that an application for a for-hire vehicle license meets all of the requirements of this chapter, said application shall be submitted to the city council for final determination. Within 30 days thereafter the city council shall set a date for consideration of said application and shall notify the applicant of said date.

(2) The city council shall issue a for-hire vehicle license to the applicant only upon an affirmative finding of the following facts:

(a) That the applicant is fit, willing and able to perform public transportation services for the benefit of the citizens of Marysville, and to conform to the provisions of this chapter;

(b) That for-hire vehicle service of the size and description proposed by the applicant is

required for public convenience and necessity;

(c) That additional for-hire vehicles in the city will create no adverse environmental or economic impacts. (Ord. 1143 § 2, 1980).

5.24.070 License fees.

(1) The license fees are fixed in the amounts shown in the following schedule:

(a) For-hire vehicle license: \$20.00 per year for each business;

(b) Driver's permit: \$40.00 for initial permit and \$25.00 for renewal of permit.

(2) All fees shall be payable annually in advance and no pro-rated fee shall be allowed. (Ord. 1556, 1987; Ord. 1482 § 1, 1986; Ord. 1143 § 2, 1980).

5.24.080 Driver's permit – Required.

No person shall operate a motor vehicle for hire on the streets of the city and no person who owns or controls such vehicle for hire shall permit it to be so driven and no vehicle licensed by the city shall be so driven at any time for hire unless the driver of said vehicle shall have first obtained and shall have then in force a for-hire driver's permit issued under the provisions of this chapter. (Ord. 1143 § 2, 1980).

5.24.090 Driver's permit – Application.

An application for a for-hire driver's permit shall be filed with the city clerk on forms provided by the city. Such application shall be sworn to by the applicant and shall contain the following information:

(1) Names and addresses of four residents of the city who have known the applicant for a period of one year and who will vouch for the sobriety, honesty and general good character of the applicant;

(2) The experience of the applicant in the transportation of passengers;

(3) A concise history of his employment for the past five years;

(4) A picture of the applicant;

(5) Proof of the applicant's current status as a licensed driver in the state of Washington;

(6) The applicant's driving record for the past five years;

(7) The applicant's criminal record for the past five years, relating to abuse of alcohol and/or drugs, and crimes of moral turpitude and fraud. (Ord. 1143 § 2, 1980).

5.24.100 Issuance of driver's permit.

(1) No driver's permit shall be issued if the

5.24.110

applicant has been convicted of a crime relating to the use of alcohol and/or drugs, or a crime of moral turpitude or fraud within the preceding five years.

(2) No driver's permit shall be issued without approval of the chief of police.

(3) Upon finding that an applicant for a driver's permit meets the requirements of this chapter, the city clerk shall issue such a permit, which shall bear the name, address, age, signature and photograph of the applicant. Such a permit shall be in effect for the remainder of the calendar year and shall be subject to annual renewal. (Ord. 1143 § 2, 1980).

5.24.110 Driver's permit – Display.

Every driver licensed under this chapter shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a vehicle for hire. (Ord. 1143 § 2, 1980).

5.24.120 Vehicle equipment.

Each vehicle for hire shall be equipped and maintained at all times by the operator thereof for safe and lawful operation and in accordance with the laws of the city and the state and shall be furnished with such equipment as the chief of police shall deem necessary for such safe operation. Any vehicle for hire may be inspected at any reasonable time by the chief of police or his representative. The chief of police shall, on application, and may periodically inspect each vehicle as to safety and cleanliness. (Ord. 1143 § 2, 1980).

5.24.130 Vehicle markings.

Each vehicle licensed shall have the word "taxi-cab," "convalescent coach," or other appropriate descriptive term painted in letters at least three inches high on both sides of the vehicle directly under the true or assumed name listed thereon. Each vehicle licensed shall have the company vehicle numbers painted on all four sides of the vehicle not less than four inches high. Words that might tend to deceive the public may not be used on any vehicle licensed under this chapter. No vehicle covered by the terms of this chapter shall be licensed which has a color scheme, identifying design, monogram or insignia design to imitate any color scheme or identifying design of any other operator in such a manner as to be misleading or deceiving to the public. (Ord. 1143 § 2, 1980).

5.24.140 Rate schedule.

Every person, firm or corporation operating a for-hire vehicle in the city shall file with the city clerk the schedule of rates to be charged for the

operation of their vehicle within the city limits. It is unlawful for any person, firm or corporation to make any other charges, either more or less, for the services rendered by such person, firm or corporation than as set forth in the rate schedule. Such person, firm or corporation shall further cause to be posted in every vehicle a card containing a schedule of the rates. The card shall be posted in a prominent place in the vehicle and the chief of police shall have the power in his discretion to designate the place of posting in the vehicle and the size of the card; provided, that the filed rates shall not be changed until the proposed changes in rates are filed with the city clerk for a period of 30 days. (Ord. 1143 § 2, 1980).

5.24.150 Call record required – Inspection.

For-hire vehicle businesses shall keep at their business offices a chronological record showing each call for service which is ordered or made, and the name of the driver who responded thereto, the number of the vehicle, the time and place of the origin and of the end of each vehicle trip, and the fee charged, and shall upon request of any person paying a vehicle charge, furnish a receipt showing such information. Such records shall at all reasonable times be open to the inspection of the city clerk or chief of police or the agents of either. (Ord. 1143 § 2, 1980).

5.24.160 Direct route required.

Any driver of a vehicle for hire employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination. (Ord. 1143 § 2, 1980).

5.24.170 Receipts.

The driver of any vehicle for hire shall upon demand by the passenger render to such passenger a receipt of the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of charge and date of transaction. (Ord. 1143 § 2, 1980).

5.24.180 Fraud or refusal to pay fare.

It is unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same and it is unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service. (Ord. 1143 § 2, 1980).

5.24.190 Loading and discharging passengers.

Drivers of for-hire vehicles shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except on one-way streets where passengers may be discharged on the right or left-hand sidewalk, or the side of the roadway in the absence of a sidewalk. (Ord. 1143 § 2, 1980).

5.24.200 Parking restriction.

No person or business entity holding a for-hire vehicle license shall allow, cause or permit more than two for-hire vehicles owned or controlled by it to be parked, unmanned, on the public streets of the city at any given time. (Ord. 1143 § 2, 1980).

5.24.210 Number of passengers restricted.

No driver shall permit more persons to be carried in a vehicle for hire as passengers than the rated seating capacity of his vehicle as stated in the license for said vehicle. A child in arms shall not be counted as a passenger. (Ord. 1143 § 2, 1980).

5.24.220 Prohibited acts of drivers.

It is unlawful for any driver of a for-hire vehicle to engage in selling intoxicating liquor or controlled substances, or to solicit business for any house of ill repute, or use his vehicle for any purpose other than the transporting of passengers. (Ord. 1143 § 2, 1980).

5.24.230 Public service requirements.

All persons engaged in the vehicle for hire business in the city operating under the provisions of this chapter shall render an overall service to the public desiring to use their vehicles for hire. Holders of licenses shall maintain a place of business and keep the same open for 24 hours a day for the purpose of receiving calls and dispatching vehicles. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so, and if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefor. (Ord. 1143 § 2, 1980).

5.24.240 Suspension or revocation of license.

The city council may revoke or suspend any vehicle for hire driver's license or any driver's permit on the following grounds:

(1) A driver's conviction in any court of reckless driving, driving while under the influence of intoxicating liquor and/or drugs, or a judicial finding that a driver is a habitual traffic offender;

(2) A conviction of a driver, or an owner, operator or manager of a for-hire vehicle business, of a crime of moral turpitude or one involving intent to defraud;

(3) The charging of passengers more than the maximum fares provided for herein;

(4) The failure or refusal to provide overall service to the public, without cause. (Ord. 1143 § 2, 1980).

5.24.250 Violation – Penalty.

Any person willfully violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by imprisonment in jail for not more than six months, or by both such fine and imprisonment. Each day in which the violation continues shall constitute a separate offense. (Ord. 1143 § 2, 1980).

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: Approval of Fireworks Applications	AGENDA SECTION:	
PREPARED BY: Carol Mulligan, Program Specialist	AGENDA NUMBER:	
ATTACHMENTS: 1. Fireworks Permit Application Process 2. MMC 9.20 3. Notices Distributed at Fireworks Stands	APPROVED BY: 	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

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

<u>Applicant</u>	<u>Location</u>
Albertsons #471	301 Marysville Mall (Albertsons - South.)
Marysville First Assembly	11401 State Avenue (Albertsons - North)
Marysville Kiwanis	1052 State Avenue (Gold's Gym)
Marysville Kiwanis	1258 State Avenue (Safeway)
Marysville Kiwanis	3711 – 88 th Street NE (Haggens)
Marysville Kiwanis	6610 - 64 th Street NE (Allen Creek Thriftway)
Marysville Kiwanis	1631 – 4 th Street (Vacant Lot Next to Espresso Stand)
Mountain View Assembly of God	9925 State Avenue (Fred Meyer)

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 proposed locations.

<p>RECOMMENDED ACTION: Staff recommends the City Council approve firework stand permits for Albertsons #471 (1 stand), Marysville First Assembly (1 stand), Marysville Kiwanis (5 stands), and Mountain View Assembly of God (1 stand).</p>
<p>COUNCIL ACTION:</p>



Fireworks Permit Application Process Per MMC 9.20.070

*Fully completed original application must be submitted; faxed copies will not be accepted.
The decision of the city council with respect to an application shall be final.*

9.20 070 Permit procedure.

Any adult person, firm, partnership, corporation or association may apply for a firework's permit; provided, that the applicant must meet the following requirements:

- hold a current City of Marysville business license
- is a person or entity (or sponsored by) which has a permanent address within the city limits
- written application filed with the city clerk, at least 30 days in advance of the proposed sale of fireworks which shall contain 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 ordinance of the city of Marysville within the earlier of 30 days after receipt of the application or by June 20th of the calendar year.

9.20.010

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 2739 § 1, 2008; Ord. 2532 § 10, 2004; Ord. 850 § 10, 1975).

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.”
- 70.77.138 Definition of “articles pyrotechnic.”
- 70.77.141 Definition of “agricultural and wildlife 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 of fireworks – Penalties.
- 70.77.488 Unlawful discharge or use of fireworks – Penalty.
- 70.77.510 Sales or transfers of display fireworks – Penalty.
- 70.77.515 Sales or transfers of consumer fireworks – Penalty.
- 70.77.520 Unlawful to permit fire nuisance where fireworks kept – Penalty.
- 70.77.535 Articles pyrotechnic, special fireworks for entertainment media.
- 70.77.545 Violation a separate, continuing offense.
- 70.77.547 Civil enforcement not precluded.
- 70.77.580 Posting by retailers of lists of allowed fireworks.

(Ord. 2737 § 1, 2008; 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:

“Permittee” means any person issued a fireworks permit in conformance with this chapter. (Ord. 2737 § 1, 2008; 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. 2737 § 1, 2008; 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 per-

manent 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. 2737 § 1, 2008; 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. 2737 § 1, 2008; 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. 2737 § 1, 2008; 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

9.20.120

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. 2737 § 1, 2008; 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 ensure 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. 2737 § 1, 2008; 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 compli-

ance 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. 2737 § 1, 2008; Ord. 1235 § 7, 1982).

9.20.130 Penalties for violations.

(1) Any person violating this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1,000, or by imprisonment in the jail for a period not exceeding 90 days, or by both such fine and imprisonment. Further, the license shall be revoked.

(2) Any person violating portions of this chapter specifically designated by this chapter or by RCW as gross misdemeanor or misdemeanor, upon conviction shall be guilty and punished for gross misdemeanor by a fine not to exceed \$5,000 or by imprisonment in jail for a period not to exceed 365 days or by both such fine and imprisonment; for misdemeanor by a fine not to exceed \$1,000 or by imprisonment in jail for a period not to exceed 90 days or by both such fine and imprisonment.

(3) Civil Infraction.

(a) Violations involving possession or discharge of small quantities of fireworks, unless specifically designated in this chapter or RCW as gross misdemeanor or misdemeanor, is a civil infraction, and may be cited as a "civil infraction."

(i) Upon finding that a violation has been committed the person committing the act shall be assessed an amount not to exceed \$500.00 plus applicable statutory assessments.

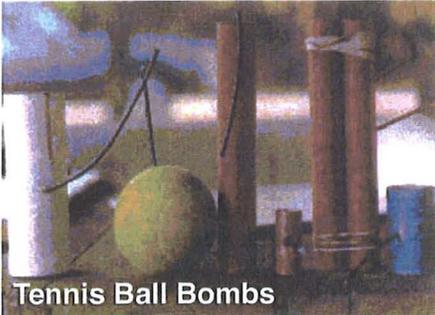
(ii) Such penalty is in addition to any other remedies or penalties specifically provided by law; nothing in this section precludes the charging of a misdemeanor or gross misdemeanor crime as defined under this chapter or RCW.

(iii) Three or more of said "civil infractions" within any consecutive two-year period of time shall be cited as a misdemeanor as set forth in subsection (1) of this section.

(b) "Civil infraction" has the meaning given that term by Chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") and any local rule adopted by the Marysville municipal court. (Ord. 2737 § 1, 2008; Ord. 479 § 13, 1962).



RECOGNIZE THESE ILLEGAL EXPLOSIVE DEVICES?



Tennis Ball Bombs



Firecrackers



Bottle Rockets



Aerial Rockets & Salutes

**SAVE A LIFE
PREVENT AN INJURY
DO NOT HANDLE
EXPLOSIVE DEVICES!**

An Important 4th of July Holiday Public Safety Message to Citizens of Marysville

Illegal fireworks are a public safety and medical menace in the Marysville area. Each year, usage of illegal fireworks results in visits to hospital emergency rooms and burn care centers here, statewide, and across the nation to treat permanent hand and face injuries. In the most tragic instances, the severest among these injuries results in death.

This 4th of July holiday, the Marysville Police Department and Marysville Fire District are mobilizing pro-active enforcement efforts and an aggressive public education campaign to crack down on possession and discharge of illegal fireworks, and the serious fireworks-related injuries and property damage that can occur through their use. Under state law, possession and/or discharge of illegal fireworks is a misdemeanor offense punishable by a fine of up to \$1,000 and/or up to a year in jail; and a mandatory court appearance. Effective in 2008, police may issue a civil infraction, similar to a traffic ticket, with a fine of up to **\$500**.

We urge parents, and especially children, not to use illegal fireworks. If legal "safe and sane"-style fireworks are a part of your family and friends' celebrations, please abide by local laws:

Discharge restrictions of "safe and sane" fireworks in Marysville

9 a.m.-11 p.m. July 4 only

(Marysville Municipal Code Section 9.20.020)

Discharge restrictions of "safe and sane" fireworks in Unincorporated Snohomish County

9 a.m.-11:59 p.m. on July 4

(Snohomish County Code Section 16.10.130)

When using legal fireworks, please:

- Never allow young children to play with fireworks
- Read and follow all warnings and instructions
- Never try to relight fireworks
- Keep a bucket of water handy
- Ignite fireworks on a smooth, flat surface away from your house or flammable materials
- Only discharge fireworks on July 4. It is against the law to discharge any fireworks before or after the 4th of July

Illegal fireworks have no place in Marysville. We are putting sellers and users of illegal fireworks on notice: we will take enforcement action on those involved with them. As we celebrate our nation's independence, Marysville Police and the Marysville Fire District hope your 4th of July holiday is the safest ever.

Police Chief Rick Smith
City of Marysville

Fire Chief Greg Corn,
Marysville Fire District

Important Changes to City Fireworks Laws in 2008

- A civil infraction (fine) in an amount up to **\$500** may be issued by police instead of a criminal citation.
- The criminal misdemeanor fine will increase from \$300 to the standard state penalty of a fine not to exceed \$1,000 and/or 90 days in jail.
- Gross misdemeanor offenses have been increased to a fine of up to \$5,000 and/or a year in jail.
- A clause has been added causing a person with 3 or more civil infractions within a two-year time period to be cited for a misdemeanor.



Did you know . . .

- ❑ It is **ILLEGAL** to possess or discharge fire-crackers, bottle rockets and skyrockets.
- ❑ These **ILLEGAL** explosive devices cause 90% of all fireworks related fires in the state of Washington.
- ❑ **ILLEGAL** explosive devices are often wrongly referred to as fireworks.

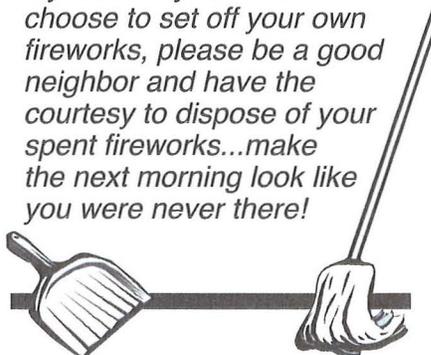
These are just some of the types of fireworks illegal in Washington State

**Firecrackers
Bottle rockets
Cherry bombs
M-80s and M-100s
Rockets
Salutes
Tennis ball bombs**



Every year, the City of Marysville receives numerous complaints from residents about unsightly messes left in the aftermath of neighborhood fireworks displays.

If your family and friends choose to set off your own fireworks, please be a good neighbor and have the courtesy to dispose of your spent fireworks...make the next morning look like you were never there!



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

JULY 4th ONLY

9:00 AM TO 11:00 PM

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

**JUNE 28th: NOON – 11:00 PM
JUNE 29th THROUGH JULY 4th:
9:00 AM – 11:00 PM
ONLY**

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: Contract Award: 2009 Solid Waste Container Purchase	AGENDA SECTION: Review Bids	
PREPARED BY: Terry C. Hawley, Operations Manager, Public Works	APPROVED BY: 	
ATTACHMENTS: • Bid Tabulation		
	MAYOR	CAO
BUDGET CODE: 41046060.531000 – Growth/Replacement/Annexation	AMOUNT: \$46,241.88	

DESCRIPTION:

Due to replacement needs, combined with area growth, new Solid Waste containers are needed to keep up with demand and to replace worn units.

The project was advertised for a May 21st, 2009 bid opening. Two bids were received as shown on the attached bid tabulation. The low bidder is Capital Industries, Inc. References have been checked and found to be satisfactory. The original bid was received with 9% sales tax added, totaling \$46,412.20. The amount has been adjusted to reflect the accurate destination sales tax of 8.6%, totaling \$46,241.88.

Contract Bid (Includes Sales Tax): \$46,241.88

<p>RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to award the bid for the Solid Waste Container Purchase to Capital Industries, Inc. in the amount of \$46,241.88 including Washington State Sales Tax.</p>
<p>COUNCIL ACTION:</p>

BID OPENING CHECK LIST

PROJECT NO

PROJECT: Solid Waste Containers

OWNER: City of Marysville

BID OPENING TEAM: Tracy Jeffries, Assistant Admin.

Director, April O'Brien, Deputy City Clerk, Terry

Hawley, Project Manager, Mike Shepard, Project

Manager

BID DATE: ~~April 23,~~ 2009
 May 21

BID TIME: 10:00 AM, PST

BIDDER	BID SIGNED	ADDENDA			BID SCHEDULE FILLED OUT	BID SECURITY	BID AMOUNT
		No. 1	No. 2	No. 3			
Comp. Ind. Industries, Inc	Yes	N/A	N/A	N/A	Yes	Yes	46,412.20
Rule Steel	Yes	I	I	I	Yes	Yes	52,292.12

B.3 BID PRICE SHEET

The City of Marysville requests bids from qualified manufacturers for Procurement of Solid Waste Containers. The submitted cost (bids) shall **include all fees, taxes, and delivery charges.** Delivery and acceptance must be completed by September 30, 2009, 1600 hours and delivered to 80 Columbia Avenue, Marysville, WA. F.O.B. Destination.

All sections of this Bid Price Sheet must be completely filled out to qualify.

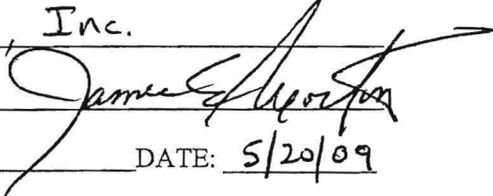
2009 replacement Solid Waste Container Specifications and Quantities				
Quantity	Size (cu yd)	Description	Cost per unit	Extended
12	1	Galvanized, 14 gage, rear/front load, cathedral top solid waste container with plastic lids with cable locking device. Installed 6" casters	590 ⁰⁰	7,080 ⁰⁰
12	1.5	Galvanized, 14 gage, rear/front load, cathedral top solid waste container with plastic lids with cable locking device. Installed 6" casters	645 ⁰⁰	7,740 ⁰⁰
24	2	Galvanized, 14 gage, rear/front load, cathedral top solid waste container with plastic lids with cable locking device. Installed 6" casters	680 ⁰⁰	16,320 ⁰⁰
12	4	Galvanized, 14 gage, front load, cathedral top solid waste container with plastic lids with gravity locking devices. Installed 6" casters / two locking / two swivel	895 ⁰⁰	10,740 ⁰⁰
100	6" casters	6" Fully assembled, bolted type, rubber wheel casters	7 ⁰⁰	700 ⁰⁰
Questions should be directed to Terry C. Hawley, Operations Manager, City of Marysville Public Works Department. 360.363.8161 – thawley@marysvillewa.gov				

Amount of Bid: \$ 42,580.00

Tax % 9 : \$ 3,832.20

Total Bid Amount: \$ 46,412.20

COMPANY NAME: Capital Industries, Inc.

SIGNATURE OF AUTHORIZED AGENT OR OWNER: 

TITLE: General Manager DATE: 5/20/09

B.3 BID PRICE SHEET

The City of Marysville requests bids from qualified manufacturers for Procurement of Solid Waste Containers. The submitted cost (bids) shall **include all fees, taxes, and delivery charges.** Delivery and acceptance must be completed by September 30, 2009, 1600 hours and delivered to 80 Columbia Avenue, Marysville, WA. F.O.B. Destination.

All sections of this Bid Price Sheet must be completely filled out to qualify.

2009 replacement Solid Waste Container Specifications and Quantities				
Quantity	Size (cu yd)	Description	Cost per unit	Extended
12	1	Galvanized, 14 gage, rear/front load, cathedral top solid waste container with plastic lids with cable locking device. Installed 6" casters	\$602.58	\$7230.96
12	1.5	Galvanized, 14 gage, rear/front load, cathedral top solid waste container with plastic lids with cable locking device. Installed 6" casters	\$699.18	\$8390.16
24	2	Galvanized, 14 gage, rear/front load, cathedral top solid waste container with plastic lids with cable locking device. Installed 6" casters	\$806.20	\$21,888.00
12	4	Galvanized, 14 gage, front load, cathedral top solid waste container with plastic lids with gravity locking devices. Installed 6" casters / two locking / two swivel	\$978.95	\$13,794.00
100	6" casters	6" Fully assembled, bolted type, rubber wheel casters	\$9.89	\$989.00
Questions should be directed to Terry C. Hawley, Operations Manager, City of Marysville Public Works Department. 360.363.8161 – thawley@marysvillewa.gov				

Amount of Bid: \$52,292.12 (Fifty two thousand, two hundred ninety two and 12/100 dollars)

Tax % 0: We are an Idaho Company, we do not collect Wa. tax

Total Bid Amount: \$52,292.12 (Fifty two thousand, two hundred ninety two and 12/100 dollars)

COMPANY NAME: RUE STEEL TANKS

SIGNATURE OF AUTHORIZED AGENT OR OWNER: *Allan Sonius*

TITLE: Container Division Sales Manager DATE: May 15, 2009

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: Concessionaire Agreement – Da Vinci Dogs	AGENDA SECTION:	
PREPARED BY: Jim Ballew –Director of Parks and Recreation	APPROVED BY: J. Ballew	
ATTACHMENTS: Concessionaire Agreement Proposal Submittal-Menu	MAYOR	CAO
	AMOUNT:	
BUDGET CODE:		

DESCRIPTION:

The City published a Request for Proposals to select a concessionaire for the summer concert and movies series as well as operations during the week adjacent to the Rotary Ranch facility.

DaVinci Dogs has proposed a creative and healthy menu options in consideration of the City’s Healthy Communities Initiative and is capable of mobilizing for all events proposed this year.

A fee of \$600.00 will be received by the city as a result of the Agreement requirements.

RECOMMENDED ACTION:

Staff is recommending the City Council authorize the Mayor to sign the attached Concessionaire Agreement with Da Vinci Dogs for the 2009 season.

COUNCIL ACTION:

**CITY OF MARYSVILLE
INDEPENDENT CONTRACTOR/CONCESSIONAIRE AGREEMENT**

This agreement, made and entered into this 10th day of June, 2009 by and between the City of Marysville, State of Washington, a municipal corporation, hereinafter called the “City” and “DaVinci Dogs”- a sole proprietor and hereinafter called “Independent Contractor/ Concessionaire”.

WITNESETH:

WHEREAS, the City of Marysville desires to provide food and beverages to the patrons attending Jennings Memorial Park and the Sounds of Summer Concert Series and Popcorn in the Park Movie series on facilities owned and operated by the City of Marysville.

WHEREAS, the City desires to enter into a contract with Da Vinci Dogs as the provider of food and beverage services for the City of Marysville with the status of “Independent Contractor”; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

- 1. Duties:** The City of Marysville hereby contracts with the Contractor to perform all functions and duties of exclusive Food and Beverage Concessionaire in Jennings Memorial Park and during the Sounds of Summer Concert and Popcorn in the Park Movie Series and to perform the additional functions and duties:
 - a. To operate, manage and maintain a quality portable food and beverage service for the general public during agreed upon operating hours not to be less than 2 hours per day or event date(s) from times of 11:30 am to 9:00 pm. During the following dates June 13, 2009 through September 30, 2009 unless inclement weather forces closure or cancellation of the events or activity.
 - b. Provide a full range of prepared hot and cold food and beverage items for resale at reasonable prices.
 - c. Contractor agrees to provide and maintain all equipment. Improvements and/or additional service connections are the responsibility of the Contractor and shall be done as per city and or State of Washington code(s).
 - d. Contractor agrees that the premises will be used as a site to operate concession services for patrons and not as a commissary facility. Contractor agrees not to let or sublet the whole or any part of the contracted space allocated for food and beverage concession services or assign this agreement, or any interest within the property described.

- e. Contractor agrees to pay and provide all governmental licenses, fees and or permits, including appropriate permits from the Snohomish Health District, for the operation of described services within this agreement.
- f. Contractor shall pay all taxes wages and other costs associated with the operation of Concessionaire services.
- g. Contractor agrees that all personal property kept at the agreement site shall be at the risk of the Contractor. Contractor further agrees not to hold City liable in any manner or account of any loss or damage sustained by action of fire, water, elements, theft or any third party. All equipment and machinery associated with food sales and production shall be owned exclusively by the Contractor.

2. Indemnification / Hold Harmless

The Contractor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

3. Insurance

- a. The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees or subcontractors.
- b. No Limitation. Contractor's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Contractor to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.
- c. Minimum Scope of Insurance

Contractor shall obtain insurance of the types described below:

1. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate

Per Project Endorsement ISO form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial General liability insurance for liability arising from explosion, collapse or underground property damage. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

2. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

d. Minimum Amounts of Insurance

Contractor shall maintain the following insurance limits:

1. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit.

e. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance:

1. The Contractor's insurance coverage shall be primary insurance as respect the City. Any Insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.
2. The Contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

f. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

g. Verification of Coverage

Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Contractor before commencement of the work.

4. Term

The term of this Contract shall be effective through September 30, 2009. Upon expiration of the term the City may extend the Agreement for an additional term or seasonal basis. The Contractor, given thirty days written notice to the City may terminate this Agreement prior to the end of the agreed term. This Agreement shall automatically terminate in the event the Contractor ceases to provide services for any unauthorized reason for a period of ten (10) or more consecutive days of the program or event contracted for. Upon the expiration or early termination of this agreement, the Contractor will surrender the location in good condition as they were at the commencement of the agreement term.

5. Independent Contractor

This Agreement is not intended in any fashion to create the relationship of employer-employee with respect to the City and Contractor. Neither the Contractor nor any person employed by the Contractor is to be considered at any time an employee of the City of Marysville. Neither party to this service agreement, is the agent of the other and neither party shall have the right to bind the other by contract or otherwise, except as herein specifically provided.

5. Employee Benefits / Withholding

Contractor agrees to pay any and all withholding taxes, employment security taxes, social security or FICA taxes, Labor and Industry premiums or fees, and otherwise shall pay all other government imposed fees or charges with respect to the business of Contractor if applicable. Contractor shall be solely responsible for all of his own benefits including but not limited to vacation, sick leave, pension, life insurance, medical insurance, paid leave, and such other benefits as he may wish to acquire.

6. Litigation

In the event of any litigation involving the rights or obligation of the City or Contractor hereunder, the prevailing party in such litigation shall be entitled to receive from the other such reasonable attorney's fees and all costs as the court may award.

7. Payment

The Contractor agrees to pay the City of Marysville a total of six-hundred dollars (\$600.00) for payment to operate concessions for the aforementioned event(s) and schedule. Payment will be made on the final date of the season or event, or no later than September 30, 2009 payable to the City of Marysville Parks and Recreation Department.

8. Interpretation

The laws of the State of Washington shall govern this agreement. There are no other or further agreements between the parties hereto except as set forth herein, or as specifically attached to this Agreement and made part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date herein above first written.

By _____
Contractor

Dated

CITY OF MARYSVILLE

By _____
Mayor

Dated

Da Vinci Dogs

Hot Dog 100% Beef	\$3.00
Turkey Dog	\$3.00
Sausage Dog	\$4.00

Gourmet Dogs: Only \$.50 More

Thanksgiving-

Any Dog, Toasted bun, Cream cheese, Cranberries, Crushed walnuts.

The Chihuahua-

Any Dog, Toasted bun, Refried beans, Onions, Black Olives.

Chili Dog

Any Dog, Toasted bun, Chili, Cheese, and Onions.

The German Shepard

Any Dog, Toasted bun, smothered with Sour kraut and spicy mustard, and a dash of Celery salt.

The Dalmatian

Any Dog, Toasted Bun, Cream Cheese, Black Olives, Onions

Hog Dog

Any Dog, Toasted bun, Crispy chunks of bacon, smothered with cheese.

Daily Special \$3.00

Da Vinci Pie

(Corn Chlps, Chlll, Cheese, Onlon, Jalapeño)

Sides

Macaroni Salad	\$1.00
Potato Salad	\$1.00
Chips	\$1.00
Water	\$1.00
Soda	\$1.00



ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID LG
DAVIN-1

DATE (MM/DD/YYYY)
04/23/09

PRODUCER

Griffin MacLean, Inc.
P.O. Box 3667
Bellevue WA 98009
Phone: 425-822-1368 Fax: 425-822-2737

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Davinci Dogs
Heather Holland dba:
6707 162nd Pl SW
Lynnwood WA 98037

INSURERS AFFORDING COVERAGE		NAIC #
INSURER A:	Safeco Insurance Companies	
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	GENERAL LIABILITY	01CI9735710	04/13/09	04/13/10	EACH OCCURRENCE \$ 1,000,000
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 200,000
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 10,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMP/OP AGG \$ 2,000,000
						GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC
		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$
		<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
		<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
		<input type="checkbox"/> HIRED AUTOS				
		<input type="checkbox"/> NON-OWNED AUTOS				
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
		<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
						AUTO ONLY AGG \$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
		<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
						\$
		<input type="checkbox"/> DEDUCTIBLE				\$
		<input type="checkbox"/> RETENTION \$				\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTH-ER
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$
		OTHER				E.L. DISEASE - POLICY LIMIT \$
A		Commercial Applica	01CI9735710	04/13/09	04/13/10	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Certificate holder is named as additional insured.

CERTIFICATE HOLDER

City of Marysville
Parks and Recreation
6915 Armar Road
Marysville WA 98270

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
AUTHORIZED REPRESENTATIVE
Aisa Gardiner

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID LG
DAVIN-1

DATE (MM/DD/YYYY)
04/23/09

PRODUCER
Griffin MacLean, Inc.
P.O. Box 3667
Bellevue WA 98009
Phone: 425-822-1368 Fax: 425-822-2737

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Davinci Dogs
Heather Holland dba:
6707 162nd Pl SW
Lynnwood WA 98037

INSURERS AFFORDING COVERAGE NAIC #
INSURER A **Safeco Insurance Companies**
INSURER B
INSURER C
INSURER D
INSURER E

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	01CI9735710	04/13/09	04/13/10	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 200,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A		Commercial Applica	01CI9735710	04/13/09	04/13/10	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Certificate holder is named as additional insured.

CERTIFICATE HOLDER

City of Marysville
Parks and Recreation
6915 Armar Road
Marysville WA 98270

CANCELLATION

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AUTHORIZED REPRESENTATIVE
Alisa Gardiner



GEICO GENERAL INSURANCE COMPANY

Washington DC

VERIFICATION OF COVERAGE
(SEE BELOW UNDER CAUTIONARY NOTE)

INSURED

JEFFREY W AND HEATHER HOLLAND
6707 162ND PL SW
LYNNWOOD, WA 98037-2716

Policy Number: 4062367463
Effective Date: 03-21-09
Expiration Date: 09-21-09
Registered State: WASHINGTON

To whom it may concern:

This letter is to verify that we have issued the policyholder coverage under the above policy number for the dates indicated in the effective and expiration date fields for the vehicle listed. This should serve as proof that the below mentioned vehicle meets or exceeds the financial responsibility requirement for your state.

This verification of coverage does not amend, extend or alter the coverage afforded by this policy.

Vehicle Year: 2002
Make: FORD
Model: RANGER
VIN: 1FTYR44UX2TA61337

COVERAGES	LIMITS	DEDUCTIBLES
BODILY INJURY LIABILITY	\$25,000/\$50,000	
PROPERTY DAMAGE LIABILITY	\$10,000	
BASIC PERSONAL INJURY PROTECTION	OPTION B	NON-DED
UNDERINSURED MOTORIST	\$25,000/\$50,000	
UNDERINSURED MOTORIST PROPERTY DAMAGE	\$10,000	
COMPREHENSIVE		\$500 DED
COLLISION		\$500 DED
EMERGENCY ROAD SERVICE	FULL	NON-DED
RENTAL REIMBURSEMENT	\$25/DAY-\$750 MAX	

Lienholder Additional Insured Interested Party

HOUSEHOLD AUTO FINC
P.O. BOX 60115
CITY OF INDUSTRY, CA 91716

Additional Information:

Issued 05/19/2009

If you have any additional questions, please call 1-800-841-3000.

CAUTIONARY NOTE: THE CURRENT COVERAGES, LIMITS, AND DEDUCTIBLES MAY DIFFER FROM THE COVERAGES, LIMITS, AND DEDUCTIBLES IN EFFECT AT OTHER TIMES DURING THE POLICY PERIOD. THIS VERIFICATION OF COVERAGE REFLECTS THE COVERAGES, LIMITS AND DEDUCTIBLES AS OF THE ISSUED DATE OF THIS DOCUMENT WHICH IS SHOWN UNDER "ADDITIONAL INFORMATION" OR IF AN ISSUED DATE IS NOT SHOWN, THE DATE OF THIS FACSIMILE.

U-33 10-07

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, AMENDING SECTIONS 3.92.020 AND 3.92.030 OF THE MARYSVILLE MUNICIPAL CODE TO CLARIFY THE AMOUNT PAID FOR PRIZES AND TO ALLOW FOR ALL BONA FIDE CHARITABLE OR NON-PROFIT ORGANIZATIONS, AS DEFINED IN RCW 9.46.0209, TO BE EXEMPT FROM THE TAX ON RAFFLES.

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

SECTION 1. Section 3.92.020 of the Marysville Municipal Code is hereby amended to read as follows:

3.92.020 Tax On Raffles.

There is levied upon and shall be collected from and paid as provided in this Chapter by every organization conducting raffles, as authorized pursuant to RCW Chapter 9.46 and this chapter, a tax in the amount of five percent (5%) of the gross revenue received from such raffle activity; provided, however, the amount paid out as prizes shall be deducted from the gross revenue.

SECTION 2. Section 3.92.030 of the Marysville Municipal Code is hereby amended to read as follows:

3.92.030 Exemption From Tax On Raffles And Amusement Games.

No tax shall be imposed under the authority of this Chapter on raffles or amusement games when such activities are conducted by any bona fide charitable or non-profit organization, as defined in RCW 9.46.0209, which organization has no paid operating or management personnel.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2009.

CITY OF MARYSVILLE

By _____
MAYOR

Attest:

By _____
CITY CLERK

Approved as to from:

By _____
CITY ATTORNEY

Date of publication: _____

Effective Date (5days after publication): _____

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: PA 08058 – Utility Connection Code amendments	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Planning Manager – Land Use	APPROVED BY:	
ATTACHMENTS: <ol style="list-style-type: none"> 1. Memo dated 04/27/2009 2. Proposed code amendments 3. PC minutes dated 12/09/08, 02/10/09, 03/10/09 4. Ordinance 	MAYOR	CAO

DESCRIPTION:

The Marysville Municipal Code identifies 200 feet as the footage requirement for when sewer/water hook-up is required inside and outside the city limits. The Planning Commission (PC) held a Public Hearing on March 10, 2009 to review whether the 200’ requirement is an adequate distance to consider when making a determination on whether urban level facilities should be required. In summary, the PC is recommending that all subdivisions of land be required to extend sanitary sewer regardless of distance, with an exception for 2-lot short subdivisions subject to specific criteria. With regards to water extensions, the recommendation is to eliminate the 200’ requirement and require all occupied development to extend water service regardless of distance. The proposed revisions also include changes to the variance criteria; changes to the variance reviewing authority from City Council to Hearing Examiner; and increases the application fee for variances from \$50.00 to \$200.00. A more detailed summary of the recommended revisions are included as Attachment 1.

The PC received testimony at the public hearing, following public notice. The PC made a motion to forward a recommendation of approval of the proposed amendments to Marysville City Council for adoption by ordinance.

RECOMMENDED ACTION: Affirm the PC’s Recommendation and adopt the amendments to Section 14.01.050 MMC, <i>Sewer Connections Required</i> and Section 14.01.055 MMC, <i>Water Connections Required</i> by ordinance.
COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT
80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX

MEMORANDUM

DATE: April 27, 2009
TO: City Council
FROM: Cheryl Dungan, Planning Manager – Land Use
RE: Proposed revisions to MMC Section 14.01.050 *Utility connections required* and adding a new section 14.01.055 *Water connections required*

At this time, the Marysville Municipal Code indentifies 200 feet as the footage requirement for when sewer/water hook-up is required inside and outside the city limits. The Planning Commission (PC) held a Public Hearing on March 10, 2009 to review whether the 200' requirement is an adequate distance to consider when making a determination on whether urban level facilities should be required. The PC recommended revisions, provides direction on when septic systems will be allowed within the City Limits and UGA, and when public water service shall be required.

The intent of the PC recommended revisions are to:

- 1) Implement the comprehensive plan's requirements that development within the city limits and urban growth area occur on public water and sewer, with limited exceptions;
- 2) Allow limited subdivisions or short subdivisions within the city limits and UGA prior to the provision of public sewer and in those areas in which public sewer is not economically or technically feasible, in a manner which does not conflict with GMA plan, policies and development regulations addressing future urbanization.

The following is a summary of the PC's recommended revisions to MMC Section 14.01.050 *Utility connections required*:

1. 14.01.050 MMC, *Utility connections required*
 - a. Changed title from *Utility connections required* to *Sewer connections required* and reworded to apply to sewer utilities within current city limits.
 - b. Eliminated the word *new* - seemed redundant when referring to construction of buildings.
 - c. Added new subsection (e)(i) to require new subdivisions of land to connect /extend sanitary sewer regardless of distance from existing mains, unless it can be demonstrated that the proposed subdivision is located in an 'unsewered enclave'. Added definition of 'unsewered urban enclave'.

- d. Added new subsection (e)(II) which allows an exemption for 2-lot short subdivisions subject to four (4) conditions at the Public Works Director's discretion.
- e. Require that new subdivisions that utilize the 'unsewered enclave' or '2-lot short subdivision' exception(s) submit a legally binding agreement for recording that requires participation in future LID or ULIDs without protest, including agreement to pay connection fees and monthly assessment charges.
- f. Added reference to section 14.01.040(1) that requires anyone connecting to the city's sewer system to be connected to public water.
- g. Added new subsection (e)(i) for subdivisions located within the Utility Service Area (outside city limits) which requires new subdivisions to connect/extend sanitary sewer regardless of distance from existing mains, unless it can be demonstrated that the subdivision is located in an 'unsewered urban enclave'. Added definition of 'unsewered urban enclave'.
- h. Added new subsection (e)(II) which allows an exemption for 2-lot short subdivisions subject to four (4) conditions at the Public Works Director's discretion.
- i. Require that new subdivisions within service area that utilize the 'unsewered enclave' or '2-lot short subdivision' exception(s) submit a legally binding agreement for recording that requires participation in future LID or ULIDs without protest, including agreement to pay connection fees and monthly assessment charges.
- j. Require that new subdivisions outside city limit boundaries submit a legally binding annexation agreement.
- k. Changed the reviewing authority from City Council to Hearing Examiner as it involves a land use decision; increased the variance fee from \$50.00 to \$200.00. Revised the variance criteria to be more consistent with other referenced sections of the MMC or adopted policies/resolutions.

2. 14.01.055 MMC, *Water connection required*

- a. Created a new section specifically for water connection requirements.
- b. Eliminated the 200' maximum distance requirement and reworded to require all occupied structures that meet the criteria outlined in subsection 14.01.055(1)(a-e) or 14.01.055(3)(a-e) connect to public water regardless of distance from existing water mains, unless they can meet the exception criteria as listed.
- c. Added new exception criteria that specifically relate to water connections.
- d. Require that proposed building permit or new land divisions which meet the exception criteria submit a legally binding agreement for recording that requires participation in future LID or ULIDs without protest, including agreement to pay connection fees and monthly assessment charges.
- e. Require that proposed building permit or new land divisions outside city limit boundaries submit a legally binding annexation agreement.

- f. Changed the reviewing authority from City Council to Hearing Examiner as it involves a land use decision; increased the variance fee from \$50.00 to \$200.00. Revised the variance criteria to be more consistent with other referenced sections of the MMC or adopted policies/resolutions.

14.01.050 Utility- Sewer connections required

(1) The owner of any property within the city limits which is not connected to ~~city water service or city sewer service, or both~~, shall be required to extend ~~any the sewer~~ utility line which is within 200 feet of the structure to be served, as measured along the usual or most feasible route of access, and to connect to the same for all occupied structures on the property under any of the following circumstances:

(a) Upon construction of a ~~new~~ building or structure which is designed for occupancy; or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property; or

(e). As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one of the following exceptions apply:

- i. The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the City has certified that it cannot reasonably provide sewer service because of such barriers.
- ii. The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:
 - a. The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities, The director may require dry sewers and side sewer stub outs.
 - b. The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available.
 - c. One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; and
 - d. The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(2) Approval of any land division application utilizing the exception in MMC 14.01.050(1) above is contingent upon submittal of a legally binding agreement with the City, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(3) The owner of any property outside of the city limits, but within the utility service area, which is connected to public water service as required in MMC 14.01.040(1) shall be required to extend the city's sanitary sewer and connect to the same for all occupied structures on the property only if such structures, or any of them, are within 200 feet of the existing sanitary sewer, as measured along the usual and most feasible route of access, and only under the following circumstances:

(a) Upon construction of a new building or structure which is designed for occupancy; or

(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property.

(e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one the following exceptions apply:

i. The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the City has certified that it cannot reasonably provide sewer service because of such barriers.

ii. The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:

a. The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs.

b. The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available.

- c. One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; and
- d. The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(34) Approval of any building permit or land division application utilizing the exception in MMC 14.01.050(3) above is contingent upon submittal of a legally binding agreement with the City, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(5) Approval of any building permit or land division approval utilizing the exception in MMC 14.01.050(3) above is contingent upon submittal of a legally binding annexation agreement as established in MMC 14.32.040(2). The annexation agreement must be recorded with the property records of the Snohomish County and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the City when proposed.

~~(6) The city council shall have authority to grant variances from the requirements of subsections (1) and (2) of this section. Applications for such variances shall be filed, in writing, with the city clerk, together with a filing fee of \$50.00. The applicant shall be given 10 days' notice of the date on which the city council shall consider the variance. The city council is authorized to issue such variances only if it is found that it would cause a practical difficulty to require the extension or connection of the utility service by reason of circumstances which are unique to the applicant's property and not generally shared by other properties in the vicinity. No variance shall be granted which would be detrimental to the public health, welfare or environment, or which would be inconsistent with the long-range plans of the Marysville utility system. Conditions may be imposed upon the granting of a variance to ensure the protection of the public health, safety and environment, and in the interest of justice. Each variance shall be considered on a case-by-case basis, and shall not be construed as setting precedent for any subsequent application. The decision of the city council on the variance application shall be final, subject to appeal to the Snohomish County superior court within a 20-day period thereafter. (Ord. 2375 § 2, 2001; Ord. 1547, 1987; Ord. 1434, 1985). The city land use hearing examiner shall have the authority to grant variances from subsections (1) and (3) of this section. Applications for such variances shall be filed, in writing with the director, together with a filing fee of \$200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal~~

enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

- a) That there are exceptional or extraordinary circumstances or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;
- b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;
- c) That the authorization of such variance will not be materially detrimental to the public interest, welfare of the environment;
- d) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system, or jeopardize utility availability for properties within city limits;
- e) That the granting of such variances will not conflict with the city's annexation policies as adopted by resolution.

14.01.060 Rights inspection and access.

City officials, employees and agents shall have the right to enter upon private property at all reasonable times to inspect and test appliances, utility lines and appurtenances which are connected to the city utility system. (Ord. 1434, 1985).

14.01.070 Criminal penalties.

It shall constitute a misdemeanor for any person or party to commit, authorize, solicit, aid, abet or attempt the following unlawful acts:

- (1) Divert or cause to be diverted utility services by any means whatsoever;
- (2) Make or cause to be made any connection or reconnection with the city utilities without the authorization or consent of the city;
- (3) Discharge any substance prohibited by MMC 14.05.020, including effluent from private water facilities, into the city's sewer system without the authorization or consent of the city;
- (4) Prevent any utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means;
- (5) Tamper with any property owned or used by the city to provide utility services;
- (6) Use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the city.

Said criminal acts shall be punishable by a fine not to exceed \$1,000. Each day that a violation continues shall constitute a separate offense. The criminal penalties provided in this section shall be construed as being cumulative with civil damages provided in MMC 14.01.080. (Ord. 1434, 1985).

14.01.080 Civil action for damages.

The city may bring a civil action for damages against any person or party who commits, authorizes, solicits, aids, abets or attempts any of the following:

- (1) Divert or cause to be diverted utility services by any means whatsoever;
- (2) Make or cause to be made any connection or reconnection with the city utilities without the authorization or consent of the city;
- (3) Discharge any substance prohibited by MMC 14.05.020, including effluent from private waste facilities, into the city's sewer system without the authorization or consent of the city;
- (4) Prevent any utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means;
- (5) Tamper with any property owned or used by the city to provide utility services;
- (6) Use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the city.

In any civil action brought under this section, the city may recover from the defendant as damages three times the amount of actual damages, if any, plus the costs of the suit and reasonable attorney's fees, plus the costs incurred on account of the bypassing, tampering, or unauthorized reconnection, including but not limited to costs and expenses for investigation, disconnection, reconnection, service calls and expert witnesses.

If the damage is done to utility property which is located on premises which are served by city utility service and which are owned or occupied by the party or parties responsible for the damage, the judgment may be added to the utility bill for the premises and may be collected pursuant to Chapter 14.05 MMC. (Ord. 1434, 1985).

~~14.01.050- 14.01.055~~ **Utility Water connections required.**

(1) The owner of any property within the city limits which is not connected to city water service ~~or city sewer service, or both~~, shall be required to extend any utility ~~the water serviceline which is within 200 feet of the structure to be served, as measured along the usual or most feasible route of access~~, and to connect to the same for all occupied structures on the property under any of the following circumstances:

- (a) Upon construction of a ~~new~~ building or structure which is designed for occupancy; or
- (b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or
- (c) Upon any change in the occupancy classification of an existing building or structure on the property; or
- (d) Upon the failure of the on-site sewage disposal system on the property.
- (e) As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan.

(2) The extension of water service is required as outlined in Section 14.01.055(1)(a-e) unless one of the following exceptions applies:

- i. An alteration, expansion, or replacement of an existing structure which does not require the installation of additional plumbing fixtures;
- ii. The structure, consistent with the requirements of the International Building Code (IBC) as adopted by the City, lawfully incorporates no plumbing fixtures;
- iii. The structure is located in an area in which public water connection will not be available within the next six years, according to the City's adopted Capital Facilities Plan.

(3) Approval of any building permit or land division application utilizing one of the exceptions in MMC 14.01.050(1) above is contingent upon submittal of a legally binding agreement with the City, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any water Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(42) The owner of any property outside of the city limits, but within the utility service area, which is not connected to public water service shall be required to extend the ~~city's sanitary sewer~~ public water ~~and service and~~ connect to the same for all occupied structures on the property ~~only if such structures, or any of them, are within 200 feet of the existing sanitary sewer, as measured along the usual and most feasible route of access, and only under any of the following circumstances:~~

- (a) Upon construction of a ~~new~~ building or structure which is designed for occupancy; or

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(b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or

(c) Upon any change in the occupancy classification of an existing building or structure on the property; or

(d) Upon the failure of the on-site sewage disposal system on the property.

(e). As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan.

Unless one of the following exceptions applies:

- i. An alteration, expansion, or replacement of an existing structure which does not require the installation of additional plumbing fixtures;
- ii. The structure, consistent with the requirements of the International Building Code (IBC) as adopted by the City, lawfully incorporates no plumbing fixtures;
- iii. The structure is located in an area in which public water connection will not be available within the next six years, according to the City's adopted Capital Facilities Plan.

(5) Approval of any building permit or land division application utilizing one of the exceptions in MMC 14.01.050(3) above is contingent upon submittal of a legally binding agreement with the City, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any water Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(6) Approval of any building permit or land division approval utilizing the exceptions in MMC 14.01.050(3) is contingent upon submittal of a legally binding annexation agreement as established in MMC 14.32.040(2). The annexation agreement must be recorded with the property records of the Snohomish County and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the City when proposed.

~~(3) The city council shall have authority to grant variances from the requirements of subsections (1) and (2) of this section. Applications for such variances shall be filed, in writing, with the city clerk, together with a filing fee of \$50.00. The applicant shall be given 10 days' notice of the date on which the city council shall consider the variance. The city council is authorized to issue such variances only if it is found that it would cause a practical difficulty to require the extension or connection of the utility service by reason of circumstances which are unique to the applicant's property and not generally shared by other properties in the vicinity. No variance shall be granted which would be detrimental to the public health, welfare or environment, or which would be inconsistent with the long-range plans of the Marysville utility system. Conditions may be imposed~~

upon the granting of a variance to ensure the protection of the public health, safety and environment, and in the interest of justice. Each variance shall be considered on a case-by-case basis, and shall not be construed as setting precedent for any subsequent application. The decision of the city council on the variance application shall be final, subject to appeal to the Snohomish County superior court within a 20-day period thereafter. (Ord. 2375 § 2, 2001; Ord. 1547, 1987; Ord. 1434, 1985). The city land use hearing examiner shall have the authority to grant variances from subsections (1) and (3) of this section. Applications for such variances shall be filed, in writing with the director, together with a filing fee of \$200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

- a) That there are exceptional or extraordinary circumstances or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;
- b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;
- c) That the authorization of such variance will not be materially detrimental to the public interest, welfare of the environment;
- d) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system, or jeopardize utility availability for properties within city limits;
- e) That the granting of such variances will not conflict with the city's annexation policies as adopted by resolution.

felt that the previous argument regarding potential annexations, and the current state of the economy might allow lobbying for the 25% discount again.

Sewerage Connections within the UGA and City Limits

Cheryl Dungan explained the memo regarding Sewerage Connections within the UGA. She discussed the current requirements for sewer connection within the City including the 200 foot requirement. The plan is to make it more difficult to connect to a septic system by increasing the distance required to connect to public sewer.

Chair Muller stated that he thought the 200 foot figure came from the cost of installing sewer lines on a lot that might be 500 feet from a sewer line because the cost becomes cost prohibited. Ms. Dungan stated that exceptions will be built into the code. She added that you cannot connect to sanitary sewer if you are not connected to public water. How the change would affect specific lots was discussed. Commissioner Emery questioned total cost difference between a 200 foot and 500 foot sewer extension. Ms. Dungan stated that she could not answer that at this time, but she could provide it if necessary. Commissioners Leifer and Muller discussed the current going rates for sewer connection. Extending the 200 foot requirement seemed illogical to Commissioner Leifer. He felt that it should go the other way based on the progress and improvements in waste water treatment.

Ms. Dungan discussed the GMA and that it states that urban services shall be provided in an urban area. There are issues with septic systems including ground water contamination, adding that the areas being developed are on soils that are less accepting of on- site waste water treatment. Commissioner Leifer thought that any problem with the septic systems would take care of itself because the health district would not approve systems on an inappropriate site.

Commissioner Emery questioned cost of adding sewer to existing lots and the provisions in this proposal. Commissioner Leifer questioned how Ms. Dungan interpreted an addition on an existing unit and whether or not a person would be responsible for capital fees. What is the net effect of this? Is this something Marysville initiated? Ms. Dungan stated that it had been in the MMC since the early eighties and that its goal was to be consistent with the GMA and Comp Plan policies. Codes were being revised to remain consistent with the Comp Plan. Commissioner Leifer questioned whether or not GMA took into consideration changes and advances in "Green Technology". Potential for system failure is the concern, Ms. Dungan responded. Commissioner Leifer wanted to know about self contained systems and was concerned that we would codify something and eliminate the possibility of technological improvements. Commissioner Leifer returned to his analogy that this requirement would inhibit people from doing any improvements or additions. Why can't we leave what is existing and functioning rather than forcing the entire facility to connect to sanitary sewer and pay capital improvement fees?

Ms. Dungan informed Mr. Leifer that in the county code there was an exception regarding existing dwellings and additions if the septic system is large enough to support the addition.

COMMENTS FROM COMMISSIONERS:

ADJOURNMENT:

Motion made by Commissioner Emery, seconded by Commissioner Foster, to adjourn at 8:45 p.m. Motion passed unanimously, (6-0).

NEXT MEETING:

January 13, 2009

Amy Hess, Recording Secretary

Discussion of setbacks and dedications was had. Ms. Hirashima stated they would take this to the City Engineer and bring this issue back.

The Owner/Occupant issue was discussed. Could this be waived in the downtown area? The ultimate goal was to bring more people to the downtown corridor and promote walkability.

Motion made by Chair Muller, seconded by Foster, to continue the Accessory Structure Standards hearing to the next meeting, keeping the public hearing open until that point. Motion carries, (7-0).

NEW BUSINESS:

None

CURRENT BUSINESS:

Wireless Communication Facility Revisions

Libby Grage discussed provisions that had come out of the Stake Holders Meeting that had taken place since the last workshop. Ms. Hirashima explained that in the majority of situations, the pole is replaced based on structural necessity. Ms. Grage continued to brief the Commission on the suggested Revisions. Ms. Hirashima added that she had met with PUD management staff, and that PUD had thanked the City for involving them in the revision process. This item was set for public hearing.

Sewer Connection Regulations (septic provisions)

Planning Manager Dungan discussed the revisions to Utility Connection Code, dividing it into two sections; sewer connections and water connections. She overviewed the recommended changes for each section. Commissioner Andes questioned the "economically feasible" standard. He wanted to know who determined what was economically feasible. Ms. Dungan responded that ultimately, the Public Works Director would have the final say. Ms. Hirashimas concern was that language could lead one to think that a variance could always be applied for.

Commissioner Andes explained a concern referring to small areas that may not be in the City currently, which are sub dividable, and should not be forced to wait until sewer is constructed to develop said property. Ms. Hirashima explained that the county code is currently stricter than the City and once these areas are annexed, this could become a problem.

Commissioner Leifer wanted to offer his view point on this subject. He used past zoning strategies as an example, and how these strategies had caused

infrastructure problems, and now mixed use is the desire. He thought that sewer requirements could be detrimental in a similar way in the future as on-site micro systems technology improves. He added that the economics of a site should be decided by the property owner. A footage/lot correlation would alleviate many issues, Commissioner Leifer asserted. Developers should have the option to install on-site treatment facilities, regardless of number of proposed lots. He thought that we should at least *allow* for this type of treatment. Mr. Leifer felt that forcing this type of infrastructure was not a good idea. Commissioner Emery added that if someone down the road from him could install an on-site system and did not have to rip up his road, he would be in favor of the on-site system.

Commissioner Leifer wanted to know if Ms. Hirashima would be open to looking at the cost of an on-site system versus connecting to a sewer system to determine whether or not a person would have an option of waste water treatment. Ms. Hirashima responded that it would be left to the discretion of the Public Works Director. She added that sewerage is viewed as an enterprise and the City is tasked with running this enterprise and making it profitable.

Ms. Dungan explained that there were provisions in the code allowing for exceptions and variances in particular situations. Cost of Development was discussed. Commissioner Leifer thought that subtle costs are a hard cost that many times people don't notice. Commissioner Emery thought that exceptions should be allowed for since it always seems that the utilities always end up with more than they can handle and infrastructure has to be dug up and expanded.

The water service revisions were discussed by Ms. Dungan. She explained that exceptions were allowed for. Commissioner Leifer thought that the two lot restrictions should be put in place for the water as well as the sewer. This issue was set for hearing.

ADJOURNMENT:

Motion made by Commissioner Emery, seconded by Commissioner Stevens, to adjourn at 9:02 p.m. Motion passed unanimously, (7-0).

NEXT MEETING:

February 24, 2009

Amy Hess, Recording Secretary



MARYSVILLE PLANNING COMMISSION

March 10, 2009

7:00 p.m.

City Hall

CALL TO ORDER

Chairman Muller called the March 10, 2009 Meeting of the Marysville Planning Commission to order at 7:05 p.m. noting the excused absence of Commissioners Emery and Kvangnes. The following staff and commissioners were present:

Chairman: Steve Muller

Commissioners: Jerry Andes, Michael Stevens, Steve Leifer, Becky Foster

Staff: Community Development Director Gloria Hirashima, Planning Manager-Land Use Cheryl Dungan, Associate Planner Angela Gemmer, Associate Planner Libby Grage, Recording Secretary Amy Hess

Absent: Eric Emery, Deirdre Kvangnes

APPROVAL OF MINUTES:

February 24, 2009

Motion made by Commissioner Foster, seconded by Commissioner Andes to approve the February 24, 2009 meeting minutes as presented. Motion carries, (5-0).

Chair Muller petitioned staff to extend the Accessory Structures Regulation Hearing until Commissioner Emery could be present.

PUBLIC HEARINGS:

Sewer and Water Connection Regulations

Ms. Dungan explained the two versions of the regulations that had been presented to the Commission, explaining why the two lot exemption rule was left out of the first version. The second version did include the suggested changes. Ms. Hirashima added that there had been discussion among staff regarding all issues that had been raised in the previous meetings.

Chair Muller opened the floor for public testimony, seeing none, the hearing was closed.

Commissioner Comments

Commissioner Andes questioned the \$100.00 per foot rate for sewer extension. Commissioner Leifer had spoken with a project manager regarding cost and was informed that \$300.00 per foot was more accurate. Commissioner Leifer thought that the \$100.00 amount would be the low number; Commissioner Andes agreed that the number seemed weak. Chair Muller explained why he was in favor of the two lot short plat exemption. He felt that the cost of sewer and water extension could eliminate the mom and pop people from having the opportunity to create this type of development. Commissioner Leifer questioned whether sewer had to be brought to the lot or cover the frontage. Ms. Dungan replied that frontage did have to be covered.

Commissioner Leifer felt that the waste water treatment technology that is available is not well known enough and that it does not fit into a traditional drain field system classification. It is not a membrane filtration system as Mr. Nielson referred to in his memo. Mr. Leifer explained that the types of systems he was in support of allowed the treatment facilities to maintain extra capacity and not pump all materials into these receiving waters. Ms. Dungan explained that the Departments of Health and Ecology prefer hooking up to sanitary sewer rather than any septic systems designed today.

Commissioner Stevens suggested a matching system for the smaller lots to avoid out-pricing individuals interested in this type of development. Ms. Hirashima thought that this was a good suggestion and that LID's were an existing way to try to relieve some of costs. She added that currently, the wording allows only bringing the sewer to a two lot short plat and not covering the frontage. This would cause the person developing next to him to incur more costs.

Commissioner Leifer wanted to know if a land owner beyond the 200 foot mark and sewer would be developed within 6 years, would that person be forced to wait to utilize their property until the sewer was extended? Ms. Dungan and Ms. Hirashima explained that the intent of these revisions was to include subdivisions. The current code for this particular piece was not being changed. Commissioner Andes questioned if anything currently in the City was outside of the 6 year capital facilities plan. Ms. Hirashima replied that that would have to come from Public Works.

Ms. Dungan suggested that if Option 2 was chosen that the change be made to include the two hundred foot exemption for a two lot short plat.

Motion made by Commissioner Leifer to approve and send to Council the proposed Planning Commission Version 2 of the Utility Extension Ordinance amending the two

hundred foot thresh-hold provision. Motion seconded by Commissioner Andes, motion carries, (5-0).

Commissioner Stevens questioned whether a third version existed where the City could accomplish its goals while being fairer to the land owner. Ms. Hirashima stated that she would relay the issues discussed to Public Works Staff. Ms. Hirashima pointed out the provision allowing for side sewer and dry sewer stub outs.

Motion made by Commissioner Stevens to forward Water Connections Regulations to City Council, seconded by Commissioner Andes, motion carries, (5-0).

Wireless Communication Facilities Regulations

Libby Grage discussed the primary goal of the revisions. The version in front of the Commission was the same as the last meeting.

Commissioner Comment

Commissioner Foster questioned citizen ham radios. She wanted to know if there were any ham radio stations still out there. Ms. Grage stated that those types of radio were exempt under these regulations.

Motion made by Commissioner Foster to forward the Wireless Communications Facilities Regulations to Council, seconded by Commissioner Stevens, motion carries, (5-0).

Accessory Structures Regulations

Motion made by Commissioner Foster to extend the Residential Accessory Structures Revisions Hearing to the next meeting. Motion passed unanimously, (5-0).

Commission Discussion

Discussion was had regarding the rising popularity of building green and the changing technology in that area. Ms. Hirashima added that next month Staff would be bringing some suggestions regarding the joint meeting with Council held earlier this year. Also on the agenda was the Downtown Master Plan. Commissioner Stevens interjected that the RFQ was out for the Civic Center. Other issues such as Comp Plan amendments and the proposed annexation were discussed.

ADJOURNMENT:

Motion made by Commissioner Steven, seconded by Commissioner Andes, to adjourn at 7:57 p.m. Motion passed unanimously, (5-0).

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO UTILITY CONNECTION REQUIREMENTS, AMENDING SECTION 14.01.050 UTILITY CONNECTIONS REQUIRED AND ADDING A NEW SECTION 14.01.055 WATER CONNECTION REQUIRED.

WHEREAS, the City Council of the City of Marysville does find that from time to time it is necessary and appropriate to review and revise provisions of the City's Water and Sewer Code (Title 14 MMC); and

WHEREAS, after providing notice to the public as required by law, on March 10, 2009 the Marysville Planning Commission held a public hearing on proposed changes to the City's Water and Sewer code and received public input and comment on said proposed revisions; and

WHEREAS, at a public meeting on May 11th, 2009 the Marysville City Council reviewed and considered the amendments to the water and sewer code proposed by the Marysville Planning Commission;

WHEREAS, the City has submitted the proposed development regulation revisions to the Washington State Department of Community, Trade, and Economic Development as required by RCW 36.70A.106; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW, (SEPA) by adopting a determination of non-significance for the adoption of the proposed revisions to the City's development regulations;

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

Section 1. Amending Section 14.01.050 'Utility connections required' to read as follows:

14.01.050 Sewer connection required

(1) The owner of any property within the city limits which is not connected to city sewer service, shall be required to extend the sewer utility line which is within 200 feet of the structure to be served, as measured along the usual or most feasible route of access, and to connect to the same for all occupied structures on the property under any of the following circumstances:

- (a) Upon construction of a building or structure which is designed for occupancy; or
- (b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or
- (c) Upon any change in the occupancy classification of an existing building or structure on the property; or
- (d) Upon the failure of the on-site sewage disposal system on the property; or
- (e). As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan. In the case of new land divisions, the 200-foot threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the

sewer utility line to all occupied structures regardless of distance unless one of the following exceptions apply:

- i. The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the City has certified that it cannot reasonably provide sewer service because of such barriers.
- ii. The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:
 - a. The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs.
 - b. The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available.
 - c. One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; and
 - d. The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(2) Approval of any land division application utilizing the exception in MMC 14.01.050(1) above is contingent upon submittal of a legally binding agreement with the City, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(3) The owner of any property outside of the city limits, but within the utility service area, which is connected to public water service as required in MMC 14.01.040(1) shall be required to extend the city's sanitary sewer and connect to the same for all occupied structures on the property only if such structures, or any of them, are within 200 feet of the existing sanitary sewer, as measured along the usual and most feasible route of access, and only under the following circumstances:

- (a) Upon construction of a building or structure which is designed for occupancy; or
- (b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or
- (c) Upon any change in the occupancy classification of an existing building or structure on the property; or
- (d) Upon the failure of the on-site sewage disposal system on the property.
- (e). As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan. In the case of new land divisions, the 200-foot

threshold shall apply. Beyond the 200-foot threshold, the owner shall be required to extend the sewer utility line to all occupied structures regardless of distance unless one of the following exceptions apply:

- i. The proposed subdivision is within an unsewered urban enclave which is defined as an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the City has certified that it cannot reasonably provide sewer service because of such barriers.
- ii. The land division application proposes creation of no more than two lots and in addition meets each of the following conditions:
 - a. The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The director may require dry sewers and side sewer stub outs.
 - b. The land division is configured in a manner which, in the opinion of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as outlined in the city's comprehensive plan when sewer becomes available.
 - c. One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; and
 - d. The director includes as a condition of approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(4) Approval of any building permit or land division application utilizing the exception in MMC 14.01.050(3) above is contingent upon submittal of a legally binding agreement with the City, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any sewer Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(5) Approval of any building permit or land division approval utilizing the exception in MMC 14.01.050(3) above is contingent upon submittal of a legally binding annexation agreement as established in MMC 14.32.040(2). The annexation agreement must be recorded with the property records of the Snohomish County and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the City when proposed.

(6) The city land use hearing examiner shall have the authority to grant variances from subsections (1) and (3) of this section. Applications for such variances shall be filed, in writing with the director, together with a filing fee of \$200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

ORDINANCE - 3

SEWER AND WATER CONNECTIONS ORD

- a) That there are exceptional or extraordinary circumstances or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;
- b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;
- c) That the authorization of such variance will not be materially detrimental to the public interest, welfare of the environment;
- d) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system, or jeopardize utility availability for properties within city limits;
- e) That the granting of such variances will not conflict with the city's annexation policies as adopted by resolution.

14.01.060 Rights inspection and access.

City officials, employees and agents shall have the right to enter upon private property at all reasonable times to inspect and test appliances, utility lines and appurtenances which are connected to the city utility system. (Ord. 1434, 1985).

14.01.070 Criminal penalties.

It shall constitute a misdemeanor for any person or party to commit, authorize, solicit, aid, abet or attempt the following unlawful acts:

- (1) Divert or cause to be diverted utility services by any means whatsoever;
- (2) Make or cause to be made any connection or reconnection with the city utilities without the authorization or consent of the city;
- (3) Discharge any substance prohibited by MMC 14.05.020, including effluent from private water facilities, into the city's sewer system without the authorization or consent of the city;
- (4) Prevent any utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means;
- (5) Tamper with any property owned or used by the city to provide utility services;
- (6) Use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the city.

Said criminal acts shall be punishable by a fine not to exceed \$1,000. Each day that a violation continues shall constitute a separate offense. The criminal penalties provided in this section shall be construed as being cumulative with civil damages provided in MMC 14.01.080. (Ord. 1434, 1985).

14.01.080 Civil action for damages.

The city may bring a civil action for damages against any person or party who commits, authorizes, solicits, aids, abets or attempts any of the following:

- (1) Divert or cause to be diverted utility services by any means whatsoever;
- (2) Make or cause to be made any connection or reconnection with the city utilities without the authorization or consent of the city;
- (3) Discharge any substance prohibited by MMC 14.05.020, including effluent from private waste facilities, into the city's sewer system without the authorization or consent of the city;
- (4) Prevent any utility meter or other device used in determining the charge for utility services from accurately performing its measuring function by tampering or by any other means;
- (5) Tamper with any property owned or used by the city to provide utility services;

(6) Use or receive the direct benefit of all or a portion of the utility service with knowledge of, or reason to believe that, the diversion, tampering or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of the city.

In any civil action brought under this section, the city may recover from the defendant as damages three times the amount of actual damages, if any, plus the costs of the suit and reasonable attorney's fees, plus the costs incurred on account of the bypassing, tampering, or unauthorized reconnection, including but not limited to costs and expenses for investigation, disconnection, reconnection, service calls and expert witnesses.

If the damage is done to utility property which is located on premises which are served by city utility service and which are owned or occupied by the party or parties responsible for the damage, the judgment may be added to the utility bill for the premises and may be collected pursuant to Chapter 14.05 MMC. (Ord. 1434, 1985).

Section 2. Adding a new Section 14.01.055 'Water connection required' to read as follows:

14.01.055 Water connection required.

(1) The owner of any property within the city limits which is not connected to city water service shall be required to extend the water service, and to connect to the same for all occupied structures on the property under any of the following circumstances:

- (a) Upon construction of a building or structure which is designed for occupancy; or
- (b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or
- (c) Upon any change in the occupancy classification of an existing building or structure on the property; or
- (d) Upon the failure of the on-site sewage disposal system on the property.
- (e). As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan.

(2) The extension of water service is required as outlined in Section 14.01.055(1)(a-e) unless one of the following exceptions applies:

- i. An alteration, expansion, or replacement of an existing structure which does not require the installation of additional plumbing fixtures;
- ii. The structure, consistent with the requirements of the International Building Code (IBC) as adopted by the City, lawfully incorporates no plumbing fixtures;
- iii. The structure is located in an area in which public water connection will not be available within the next six years, according to the City's adopted Capital Facilities Plan.

(3) Approval of any building permit or land division application utilizing one of the exceptions in MMC 14.01.050(1) above is contingent upon submittal of a legally binding agreement with the City, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any water Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(4) The owner of any property outside of the city limits, but within the utility service area, which is not connected to public water service shall be required to extend the public water service and connect to the same for all occupied structures on the property, under any of the following circumstances:

- (a) Upon construction of a building or structure which is designed for occupancy; or
- (b) Upon construction of any additions, alterations or repairs within any 12-month period which exceed 50 percent of the value of an existing building or structure which is designed for occupancy; or
- (c) Upon any change in the occupancy classification of an existing building or structure on the property; or
- (d) Upon the failure of the on-site sewage disposal system on the property.
- (e). As a condition of approval for any new land division, including but not limited to subdivision, short subdivision, and binding site plan.

Unless one of the following exceptions applies:

- i. An alteration, expansion, or replacement of an existing structure which does not require the installation of additional plumbing fixtures;
- ii. The structure, consistent with the requirements of the International Building Code (IBC) as adopted by the City, lawfully incorporates no plumbing fixtures;
- iii. The structure is located in an area in which public water connection will not be available within the next six years, according to the City's adopted Capital Facilities Plan.

(5) Approval of any building permit or land division application utilizing one of the exceptions in MMC 14.01.050(3) above is contingent upon submittal of a legally binding agreement with the City, which must be recorded with the property records of Snohomish County and in a form acceptable to the director, in which the property owner and successors in interest agree to participate without protest in any water Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the City, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(6) Approval of any building permit or land division approval utilizing the exceptions in MMC 14.01.050(3) is contingent upon submittal of a legally binding annexation agreement as established in MMC 14.32.040(2). The annexation agreement must be recorded with the property records of the Snohomish County and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the City when proposed.

The city land use hearing examiner shall have the authority to grant variances from subsections (1) and (3) of this section. Applications for such variances shall be filed, in writing with the director, together with a filing fee of \$200.00. The applicant shall be given 10 days' notice of the date on which the hearing examiner shall consider the variance. The hearing examiner is authorized to issue such variances only if it is found that a literal enforcement of this chapter would cause practical difficulties or unnecessary hardships. No such variance shall be authorized unless the examiner finds that all of the following facts and conditions exist:

- f) That there are exceptional or extraordinary circumstances or conditions applying to the subject property or as to the intended use thereof that do not apply generally to other properties in the same vicinity;

- g) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity;
- h) That the authorization of such variance will not be materially detrimental to the public interest, welfare of the environment;
- i) That the granting of such variance will not be inconsistent with the long-range plans of the city utility system, or jeopardize utility availability for properties within city limits;
- j) That the granting of such variances will not conflict with the city's annexation policies as adopted by resolution.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2009.

CITY OF MARYSVILLE

By: _____
DENNIS L. KENDALL, MAYOR

Attest:

By: _____
TRACY JEFFRIES, CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: Utility Connection Code amendments	AGENDA SECTION: New Business	
PREPARED BY: Cheryl Dungan, Planning Manager – Land Use	APPROVED BY:	
ATTACHMENTS: 1. Draft Ordinance	MAYOR	CAO
	AMOUNT:	
BUDGET CODE:		

DESCRIPTION:

The attached draft ordinance proposes to change when capital improvement charges shall be assessed on all new connections to the water and sewer system and for remodels or expansions of existing buildings or uses.

RECOMMENDED ACTION: City staff recommends the Council adopt the amendment to Section 14.07.010(1) MMC, *Capital Improvement charges* by ordinance.

COUNCIL ACTION:

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON
AMENDING MMC 14.07.010(1), RELATING TO PAYMENT OF CAPITAL
IMPROVEMENT CHARGES FOR WATER AND SEWER UTILITY
CONNECITONS.**

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

Section 1. Section MMC 14.07.010(1) is hereby amended to read as follows:

- (1) Capital improvement charges shall be assessed on all new connections to the water and sewer system. Capital improvement charges shall also be assessed for a remodel or expansion of an existing building or use. For purposes of this section, an “existing building or use” shall mean all commercial or industrial buildings or uses, churches, schools or similar uses, and all residential buildings or uses where a remodel or expansion increases the number of dwelling units. The capital improvement charge constitutes an equity payment by new and existing customers for a portion of the previously existing capital assets of the system. Capital improvement charges also constitute a contribution to a long-term capital improvement program for the utility system which includes acquisition of new or larger water sources, construction of water storage and transmission facilities, and construction of sewer trunk lines and sewage treatment facilities. Capital improvement charges shall be paid in full before a new connection or expansion or remodel to an existing building or use shall be approved. All payments shall be deposited in the utility construction fund and shall be made ~~at the time of final plat approval, final binding site plan approval, final commercial/multifamily site plan approval, conditional use permit approval or in the case of previously platted individual lots or expansions or remodel to an existing building, when a building permit is or has been issued.~~ prior to building permit issuance for residential construction and prior to issuance of a certificate of final occupancy for commercial/industrial construction.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2009.

CITY OF MARYSVILLE

By: _____
DENNIS L. KENDALL, MAYOR

Attest:

By: _____
TRACY JEFFRIES, CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

CITY OF MARYSVILLE
Marysville, Washington
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PASSED by the City Council and APPROVED by the Mayor this _____ day of
_____, 2009.

CITY OF MARYSVILLE

By: _____
DENNIS L. KENDALL, MAYOR

Attest:

By: _____
TRACY JEFFRIES, CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 8, 2009

AGENDA ITEM: PA 09002 – Residential Accessory Structure Code Amendments	AGENDA SECTION: New Business	
PREPARED BY: Angela Gemmer, Associate Planner	APPROVED BY: 	
ATTACHMENTS: 1. Proposed code amendment 2. PC Minutes, dated 1/13/09, 2/10/09, 2/24/09, 3/10/09, 4/14/09, and 4/28/09 3. Ordinance		
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

The Planning Commission (PC) held a Public Hearing on April 28, 2009 to review proposed amendments to Chapter 19.34, *Accessory Dwelling Units*, related to residential accessory structures and accessory dwelling units. The proposed amendments would implement additional standards to restrict the size of residential accessory structures, in order to promote accessory structures which are compatible in scale with the architecture of the neighborhood; and to provide flexibility with respect to setbacks and existing structures within Downtown Neighborhood Planning Area 1.

The PC received testimony from property owners, staff and other interested parties at the public hearing, following public notice. The PC made a motion to forward the proposed amendment, as presented in the attached ordinance, to Marysville City Council for adoption by ordinance.

RECOMMENDED ACTION:

Affirm the PC's Recommendation and adopt the changes to Chapter 19.34, *Accessory Dwelling Units*, and Section 19.08.030, *Residential land uses*, by Ordinance.

COUNCIL ACTION:

Chapter 19.34

RESIDENTIAL ACCESSORY STRUCTURES DWELLING UNITS

Sections:

19.34.010 Purpose.

19.34.020 Accessory structure standards.

19.34.030-20 Accessory dwelling unit standards.

19.34.010 Purpose.

The purpose of this chapter is to allow for residential accessory structures, including secondary dwelling units, to be established which are incidental to the primary residential use of a single-family residence, while ensuring compatibility with surrounding single-family uses. The accessory structure must be clearly secondary to the primary use. Accessory structures or uses may not be established until the principal structure is constructed on the property. (Ord. 2131, 1997).

19.34.020 Accessory structure standards.

In the zones in which a residential accessory structure is listed as a permitted use, the community development director's or designee shall review all proposals to construct an accessory structure. The following standards and regulations shall apply to all proposed accessory structures; provided, that accessory dwelling units shall only be allowed in zones where they are a permitted use and shall also comply with the standards outlined set forth in Section 19.34.030:

- (1) Accessory structures on properties less than one acre in size shall comply with the following density and dimensional requirements:
 - (a) The footprint of all detached accessory structure(s) shall not exceed the lesser of:
 - (i) Fifteen percent of the total lot area in the R-4.5, R-6.5, R-8 and WR-R4-8 zones, or 20 percent of the total lot area in the R-12-28 and WR-R6-18 zones;
 - or
 - (ii) Eighty percent of the footprint of the primary residential structure.
 - (b) The height of all detached accessory structure(s) shall not exceed 20 feet, except that detached accessory structures containing an accessory dwelling unit shall not exceed the base height for the zone.
- (2) A detached garage, carport or other permitted accessory building may be located in the rear yard, provided that:
 - (a) Not more than 50 percent of the required rear setback area is covered; and
 - (b) Accessory structure(s) located within rear setback areas shall have a minimum interior side setback of five feet, or 10 feet on the flanking street of a corner lot, and a minimum rear setback of five feet; and
 - (c) Vehicle access points from garages, carports, fenced parking areas or other accessory structure(s), the entrance of which faces the rear lot line, shall not be located within 10 feet from the rear lot line, except where the accessory structure's entrance faces an alley with a right-of-way width of 10 feet, in which case the accessory structure(s) shall not be located within 20 feet from the rear lot line; and
 - (d) In Planning Area 1 "Downtown Neighborhood," the rear setbacks outlined in subsections 2(b) & (c) may be reduced to two feet from the rear lot line;

provided, that the alley right-of-way is a minimum of 20 feet in width. Where the alley right-of-way is less than 20 feet in width, the property owner shall be required to dedicate to the city sufficient property to widen the abutting alley to the full width as measured from the design centerline, so as to conform to the applicable road standards specified by the City Engineer. Upon dedication of the necessary right-of-way, the rear setback may be reduced to two feet from the rear lot line. Where an existing, nonconforming structure is internally remodeled to include an accessory dwelling unit, but the footprint of the structure is not increased, the structure can be allowed to remain at a zero setback, provided that the right-of-way is 20 feet in width.

(e) Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and

(f) An accessory structure, which is located in the rear setback area, may be attached to the principal structure; provided, that no portion of the principal building is located within the required yard setbacks for principal structures in the zone.

(3) A detached garage, carport or other permitted accessory structure may be located in the front or side yard, only if the applicant demonstrates, to the satisfaction of the community development director, that the following conditions can be met:

(a) Accessory structures that are located in the front or side yard, or on the flanking street side of a corner lot, shall be consistent with the architectural character ~~not compromise the integrity of the residential neighborhood in which they are proposed to be located,~~ and shall be subject to, but not limited to, the following development standards:

(i) The accessory structure shall be consistent with the architectural character of the principal structure ~~shall be preserved;~~ and

(ii) The accessory structure shall have a roof pitch similar to the ~~primary~~ principal structure and have siding and roofing materials similar to or compatible with those used on the ~~primary~~ principal structure. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the ~~primary~~ principal structure. Plans for the proposed— accessory structure(s) indicating siding and roofing materials shall be submitted with the application; and

(iii) Detached accessory structures located in the front or side yard shall provide the minimum required yard setback for principal structures in the zone.

(4)The community development director is specifically authorized to allow an increase in the size of a detached accessory structure over the requirements outlined in subsection (1), provided that the accessory structure(s) shall be compatible with the ~~primary~~ principal structure and/or neighborhood character. To make this determination, the community development director may consider such factors that include, but are not limited to, view obstruction, roof pitch, building materials, screening and landscaping, aesthetic impact on surrounding properties and streetscape, incompatible scale with dwellings on surrounding

properties, and impact on neighborhood character. The community development director shall also have the authority to impose greater setback requirements, landscape buffers, or other locational or design requirements as necessary to mitigate the impacts of accessory structures which are greater in size than otherwise allowed by this section.

19.34.03020 Accessory dwelling unit standards.

In the zones in which an accessory dwelling is listed as a permitted use, the planning community development director shall review all proposals to establish an accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

(1) An owner-occupant of a single-family dwelling unit may establish only one accessory unit, which may be attached to the single-family dwelling, or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in Chapter 19.44 MMC, is located.

(2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required which is signed by the owner, and recorded against the property as part of the application process.

(3) The floor area of the accessory dwelling unit shall not exceed 35 percent of the total floor area of the original single-family dwelling. In no case shall the accessory dwelling unit be less than 300 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.

(4) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

(5) One off-street parking space shall be provided and designated for the accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.

(6) An owner-occupant of a single-family dwelling with an accessory apartment shall file, on a form available from the planning department, a declaration of owner occupancy with the planning department prior to issuance of the building permit for the accessory apartment and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.

(7) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.

(8) In addition to the conditions which may be imposed by the planning community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:

(a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the planning community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces; or

(c) The applicant-owner ceases to ~~own or~~ reside in either the principal or the accessory dwelling unit; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship.

-(Ord. 2415 § 1, 2002; Ord. 2131, 1997).

19.08.030 Residential land uses.

(1) Table.

Specific Land Use												
	RU	R 4.5-8	R 12-28	NB	CB	GC	DC	MU	BP	LI	GI	P/I
Dwelling Units, Types:												
Single detached (22)	P18	P18	P18									
Cottage housing		C723	C723									
Duplex (22)	P	P11C	P									
Townhouse		P3	P				P17	P				
Multiple-family			P	C9	P9, C15	P9, C15	P9, P17	P				
Mobile home	P19	P19, C3	P19	P19	P19	P19	P19	P19	P19	P19	P19	
Mobile home park	C		C14, P			P						
Senior citizen assisted		C2	C2	P				C				P
Factory-built	P10	P10	P10									
Guesthouse	P6											
Caretaker's quarters (8)					P	P	P		P	P	P	P
Group Residences:												
Adult family home	P	P	P	P	P	P	P	P				P
Convalescent, nursing, retirement		C2	C2	C	P	P	P	P				P
Residential care facility	P	P	P	P	P	P	P	P				P
Accessory Uses:												
Residential accessory uses (1) (12) (16)	P	P	P									
Home occupation (5)	P	P	P20	P20	P20, P21	P20, P21	P20, P21	P20, P21	P21	P21	P21	
Temporary Lodging:												
Hotel/motel			P	P	P	P	P	P	P	P		
Bed and breakfast	C	C13	P									

guesthouse (4)												
Bed and breakfast inn (4)	C		P	P	P	P						

(2) Development Conditions.

1. Accessory dwelling units must comply with development standards in Chapter ~~19.34~~ Section 19.34.030 MMC, Accessory ~~d~~Welling ~~u~~Units-standards.
2. Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.
3. Only as part of a PRD development proposal, and subject to the same density as the underlying zone.
4. Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter 19.36 MMC, Bed and Breakfasts.
5. Home occupations are subject to the requirements and standards contained in Chapter 19.32 MMC, Home Occupations.
6.
 - a. Guesthouses are not to be used as rental units or as a bed and breakfast;
 - b. Only one guesthouse may be permitted per lot; and
 - c. Each guesthouse shall be sited so that future division of the property will allow each structure to meet all bulk and dimensional requirements for the zone in which it is located.
- ~~7. a. There shall be accommodations for no more than two persons.~~
- ~~b. The accommodations shall be located within the primary residence.~~
7. Subject to MMC cottage housing provisions, MMC 19.14.040.
8. Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business.
9. All units must be located above a street-level commercial use.
10.
 - a. A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.
 - b. A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.
11. Permitted outright in the R-8 and R-6.5 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.
12.
 - a. A garage sale shall comply with the following standards:
 - i. No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.
 - ii. Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.
 - b. A garage sale complying with the above conditions shall be considered as being an allowable accessory use to all residential land uses. A garage sale violating

one or more of the above conditions shall be considered as being a commercial use and will be disallowed unless it complies with all requirements affecting commercial uses.

13. Limited to the R-6.5 and R-8 zones only.

14. A conditional use permit is required in the low density multiple-family zone.

15. Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.

16. Residential accessory structures must comply with development standards in Section 19.34.020 MMC, Accessory structure standards. ~~a. Accessory buildings or uses may not be established until the principal building or buildings are constructed on the property.~~

~~—b. A detached garage, carport or other permitted accessory building may be located in the rear yard, provided:~~

~~i. Not more than 50 percent of the required rear setback area is covered; and~~

~~ii. Accessory building(s) located within rear setback areas shall have a minimum interior side setback of five feet, or 10 feet on the flanking street of a corner lot, and a minimum rear setback of five feet; and~~

~~iii. Vehicle access points from garages, carports, fenced parking areas or other accessory building(s), the entrance of which faces the rear lot line, shall not be located within 10 feet from the rear lot line, except where the accessory building(s) entrance faces an alley with a right-of-way width of 10 feet, in which case the accessory building(s) shall not be located within 20 feet from the rear lot line; and~~

~~iv. Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and~~

~~v. An accessory building, which is located in the rear setback area, may be attached to the principal building; provided, that no portion of the principal building is located within the required yard setbacks for principal buildings in the zone.~~

~~c. A detached garage, carport or other permitted accessory building may be located in the front or side yard only if the applicant demonstrates, to the satisfaction of the community development director, that the following conditions can be met:~~

~~i. Accessory buildings that are located in the front or side yard shall not compromise the integrity of the residential neighborhood in which they are proposed to be located, and shall be subject to, but not limited to, the following development standards:~~

~~A. The architectural character of the principal building shall be preserved; and~~

~~B. The accessory building shall have a roof pitch similar to the primary building and have siding and roofing materials similar to or compatible with those used on the primary building. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the dwelling. Plans for the proposed accessory building(s) indicating siding and roofing materials shall be submitted with the application.~~

~~ii. Detached accessory buildings located in the front or side yard shall provide the minimum required yard setback for principal buildings in the zone.~~

17. Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.

18. Manufactured homes must:

a. Be no more than ~~five~~ two years old, as evidenced by the date of manufacture recorded on the HUD data plate;

b. Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;

c. Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located.

19. Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.

20. Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.

21. Permitted in a legal nonconforming or conforming residential structure.

22. No more than one single-family detached or duplex dwelling(s) is allowed per lot except in planned residential developments, Chapter 19.48 MMC, using the binding site plan process and designated, on the face of the BSP, for multiple single-family detached dwellings on a single parcel; or accessory dwelling units through the provisions of Chapter 19.34 MMC.

~~23. Subject to MMC cottage housing provisions, MMC 19.14.040.~~

(Ord. 2742, 2008; Ord. 2662 § 1, 2006; Ord. 2639 § 1, 2006; Ord. 2631 § 3, 2006; Ord. 2626 § 4, 2006; Ord. 2575 § 1, 2005; Ord. 2463A § 1, 2003; Ord. 2433 § 1, 2002; Ord. 2410 § 1, 2002; Ord. 2151 § 5, 1997; Ord. 2131, 1997).

Residential Accessory Structures Code Revisions

Ms. Hirashima gave a brief background as to how many of these issues come to be revised and the specific situation that brought this particular revision to the commission. Chair Muller wanted to know how the range of total lot coverage was decided upon.

Ms. Gemmer gave an overview of the proposed changes to the Accessory Structures Code. Ms. Hirashima stated that she did not feel that the language in our existing code for subordinate use was adequate.

Commissioner Andes questioned a situation where there was an existing small residence and the owner wanted to build a new larger home and how the code would affect that type of situation. Ms. Hirashima stated that language would be changed to allow for this type of situation to occur.

Chair Muller was concerned with the height limitations, which Ms. Gemmer addressed. The concern was whether a structure could be built to house an RV. Commissioner Leifer thought there should be a 20 foot height maximum on a single story house or 80% of the total residence, or whichever is greater. Commissioner Leifer wanted to know if there was a structure size that could be built without a permit. Ms. Gemmer stated that a building less than 400 square feet did not need a permit.

There was more discussion regarding the 20 foot height limitation. The concern was if someone wanted a dwelling unit over a garage, the 20 foot limitation would not allow for this. Chair Muller questioned restrictions for residential dwellings versus non residential dwellings. Commissioner Leifer questioned section 7 B. Ms. Gemmer responded that this should have been removed.

The consensus was that for an accessory *structure*, the height limitation would be 20 feet and an accessory *dwelling* would fall under the residential code limitation which is a 30 foot height restriction.

Commissioner Leifer questioned Item 8C regarding if the applicant leaves or sells the property, the permit would expire. The intent was unclear, but Ms. Hirashima tried to explain the rationale behind it. She thought that the intent was to prevent neighborhoods from becoming primarily rental neighborhoods and preserving pride of ownership. More discussion was had regarding how this could be enforced, if at all, and, if not, why it was included.

Commissioner Leifer commented on Note 15 which addressed orientation of a unit. Ms. Hirashima stated that it had been a provision resulting from units that necessitated ADA units. Retail and office space were intended as first floor use in a

Motion made by Commissioner Kvangnes, seconded by Commissioner Stevens, to forward Minimum Standards for Slopes on to City Council. Motion carries, (7-0).

Accessory Structures Regulations

Ms. Gemmer gave an overview of the changes made to the Accessory Structure Regulations. The request to change “applicant” to “owner” was made as was the provision for the 30’ limit. Language was changed and footnote number 7 was removed since it no longer was relevant.

Audience Participation

Helen Gerads 6605 83rd Ave NE Marysville WA 98270

The matrix was referenced by Ms. Gerads regarding mobile homes being permitted. Ms. Gemmer responded that the definition of a mobile home was included in the MMC. The difference between a mobile home and a manufactured home was explained. Ms. Gerads questioned whether or not the “pre-fab” houses would be allowed.

Commissioner Leifer commented on section 18 and the 2 year age limit placed on manufactured homes. He felt that this could become very problematic, and that this standard should be re-evaluated.

Ms. Gerads questioned the detached single-family use allowed under section 22 and whether duplexes were allowed under these provisions. Ms. Hirashima clarified the zoning restrictions and allowances for Ms. Gerads.

The maximum height requirements of detached accessory structure were discussed. Mr. Muller explained how this standard was decided upon with input from Ms. Hirashima. Mr. Emery explained that standards were already provided for the dwelling unit therefore, these standards did not need to be discussed again in the accessory structure standards.

Staff Comment

Commissioner Andes questioned the downtown area with existing garages on alleys and the set back requirements. Ms. Hirashima explained that if the unit was existing, a variance could be applied for to allow for this. Chair Muller felt that we should support this type of development to promoted downtown development. Commissioner Emery suggested waiving this requirement for existing garages on an alley but also allowing for lots that did not currently have garages to develop in the future. Ms. Hirashima suggested adding a provision that would be specific to alleys. Leifer and Muller felt that this type of provision would be beneficial.

Discussion of setbacks and dedications was had. Ms. Hirashima stated they would take this to the City Engineer and bring this issue back.

The Owner/Occupant issue was discussed. Could this be waived in the downtown area? The ultimate goal was to bring more people to the downtown corridor and promote walkability.

Motion made by Chair Muller, seconded by Foster, to continue the Accessory Structure Standards hearing to the next meeting, keeping the public hearing open until that point. Motion carries, (7-0).

NEW BUSINESS:

None

CURRENT BUSINESS:

Wireless Communication Facility Revisions

Libby Grage discussed provisions that had come out of the Stake Holders Meeting that had taken place since the last workshop. Ms. Hirashima explained that in the majority of situations, the pole is replaced based on structural necessity. Ms. Grage continued to brief the Commission on the suggested Revisions. Ms. Hirashima added that she had met with PUD management staff, and that PUD had thanked the City for involving them in the revision process. This item was set for public hearing.

Sewer Connection Regulations (septic provisions)

Planning Manager Dungan discussed the revisions to Utility Connection Code, dividing it into two sections; sewer connections and water connections. She overviewed the recommended changes for each section. Commissioner Andes questioned the "economically feasible" standard. He wanted to know who determined what was economically feasible. Ms. Dungan responded that ultimately, the Public Works Director would have the final say. Ms. Hirashimas concern was that language could lead one to think that a variance could always be applied for.

Commissioner Andes explained a concern referring to small areas that may not be in the City currently, which are sub dividable, and should not be forced to wait until sewer is constructed to develop said property. Ms. Hirashima explained that the county code is currently stricter than the City and once these areas are annexed, this could become a problem.

Commissioner Leifer wanted to offer his view point on this subject. He used past zoning strategies as an example, and how these strategies had caused

Motion made by Commissioner Emery seconded by Commissioner Foster to forward a technical analysis of Capital Facilities Plan 18 C and reviewing the Ordinance. Motion carries, (6-0).

Accessory Building Regulations

Ms. Gemmer recapped the minor revisions to the Accessory building regulations. The reduction of set-back in an alley was allowable. Commissioner Andes was concerned with the language used regarding the right of way center line measurement. Language would be changed to minimize confusion. Language regarding inclusion of existing structures was questioned and discussed. How difficult it would be to move a building to conform was discussed. Allowance for existing structures to be remodeled allowing for the 20 foot requirement was suggested.

The mobile home 2 year old limitation was changed to 5 years per request of the Commission. Ms. Gemmer stated that, after research, even today, inventory was typically moving off the lots in about a year.

Mr. Emery expressed his discontent with Item 6 and Item 8C regarding owner-occupancy of a dwelling. The concern was the integrity of the neighborhood if this requirement was removed. Discussion of the difference between maintenance of a property occupied by a renter versus a homeowner was had. If the rules and codes were unenforceable, then why would it be implemented, Commissioner Emery wanted to know. Commissioner Emery argued that Nuisance Codes were in place to prevent neighborhoods from falling into disrepair, so why was it necessary to include these regulations as well.

Ms. Hirashima added that the intent was to promote owner-occupancy and to prevent changing the overall integrity and dynamic of the neighborhood.

Motion made by Commissioner Emery to remove the requirement in Item 6 of 19.34.030 which states that the owner must occupy one of the dwelling units. There was further discussion regarding what is currently allowable and maintaining integrity of residential neighborhoods. Commissioner Kvangnes questioned how other cities and towns are dealing with this issue. Ms. Hirashima stated that owner-occupancy was somewhat the norm. Commissioner Emery withdrew his motion if the issue was going to be tabled to allow more research.

Motion made by Commissioner Foster to table the issue of Item 6 and 8C of the Accessory Dwelling Units Regulations, seconded by Commissioner Kvangnes. Motion carries, (6-0).

hundred foot thresh-hold provision. Motion seconded by Commissioner Andes, motion carries, (5-0).

Commissioner Stevens questioned whether a third version existed where the City could accomplish its goals while being fairer to the land owner. Ms. Hirashima stated that she would relay the issues discussed to Public Works Staff. Ms. Hirashima pointed out the provision allowing for side sewer and dry sewer stub outs.

Motion made by Commissioner Stevens to forward Water Connections Regulations to City Council, seconded by Commissioner Andes, motion carries, (5-0).

Wireless Communication Facilities Regulations

Libby Grage discussed the primary goal of the revisions. The version in front of the Commission was the same as the last meeting.

Commissioner Comment

Commissioner Foster questioned citizen ham radios. She wanted to know if there were any ham radio stations still out there. Ms. Grage stated that those types of radio were exempt under these regulations.

Motion made by Commissioner Foster to forward the Wireless Communications Facilities Regulations to Council, seconded by Commissioner Stevens, motion carries, (5-0).

Accessory Structures Regulations

Motion made by Commissioner Foster to extend the Residential Accessory Structures Revisions Hearing to the next meeting. Motion passed unanimously, (5-0).

Commission Discussion

Discussion was had regarding the rising popularity of building green and the changing technology in that area. Ms. Hirashima added that next month Staff would be bringing some suggestions regarding the joint meeting with Council held earlier this year. Also on the agenda was the Downtown Master Plan. Commissioner Stevens interjected that the RFQ was out for the Civic Center. Other issues such as Comp Plan amendments and the proposed annexation were discussed.

ADJOURNMENT:

Motion made by Commissioner Stevens, seconded by Commissioner Andes, to adjourn at 7:57 p.m. Motion passed unanimously, (5-0).



MARYSVILLE PLANNING COMMISSION

April 28, 2009

7:00 p.m.

City Hall

CALL TO ORDER

Chairman Muller called the April 28, 2009 Meeting of the Marysville Planning Commission to order at 7:02 p.m. noting the excused absence of Deirdre Kvangnes. The following staff and commissioners were present:

Chairman: Steve Muller

Commissioners: Jerry Andes, Michael Stevens, Steve Leifer, Becky Foster, Eric Emery

Staff: Planning Manager-Land Use Cheryl Dungan, Associate Planner Angela Gemmer, Recording Secretary Amy Hess

Absent: Deirdre Kvangnes

APPROVAL OF MINUTES:

April 14, 2009

Motion made by Commissioner Stevens, seconded by Commissioner Andes to approve the April 14, 2009 meeting minutes as amended. Motion carries, (6-0).

PUBLIC HEARING:

Accessory Structures Regulations

Angela Gemmer recapped the concerns from the previous meetings. Language regarding Right Of Way dedication was one of the concerns. That language had been revised to be clearer, Ms. Gemmer stated. The second concern regarding whether other jurisdictions allow both buildings to be occupied by renters or requiring one to be owner occupied was addressed. Ms. Gemmer informed the Commission that 8 out of 10 of the jurisdictions she researched mandated one be owner occupied. Language was added regarding downtown design. The concern regarding whether or not the units could be turned into condominiums had also been addressed in the revised code. Multiple rental units are not prohibited if code did not mandate owner occupancy, Ms. Gemmer said.

Ms. Dungan stated that staff's conclusion was to maintain the owner occupied language.

Commissioner Andes questioned whether existing units would be allowed once county land was incorporated. Commissioner Stevens stated that the county mandates owner occupancy, so City code would be consistent with county code.

Commissioner Emery felt that Mill Creek's code had language that he was looking for as well as Port Townsend which allowed 1 year after an owner dies to sell. No owner occupancy language was in the code, but condominiums were disallowed.

Chair Muller stated that he was okay with this wording in a more downtown commercial area, but not in areas like Bay View Ridge. Pride in ownership was his biggest argument. He felt that you could ruin the integrity of older neighborhoods by allowing both units to be rentals. Ms. Dungan added that duplexes are currently allowed with conditional use permits.

Commissioner Emery felt that not allowing accessory units would push people to start tearing down existing houses to establish duplexes. Chair Muller added that this would not pencil. Commissioner Emery argued that it would, and gave three examples. Chair Muller stated that it was intended to benefit the homeowner, not create more multi-family units.

The Port Townsend death provision was discussed. A two year maximum limit was proposed.

Motion made by Commissioner Emery to add a death statute similar to that of Port Townsend allowing one year after the death of an owner with option to extend annually at the discretion of the Director. Motion seconded by Commissioner Leifer to add this provision to the proposed code. Motion carries, (6-0).

NEW BUSINESS:

Manufactured (Mobile) Home Park Preservation

Ms. Dungan stated this was for discussion purposes. She gave an overview of current statistics of Mobile Home housing, including the number of these developments closing and how many households were impacted. Staff is not proposing to maintain all parks within City Limits, the goal is to replace ones in commercial zoning for uses other than residential. She discussed the moratorium the county had in place to preserve these parks. Staff would be drafting a mobile home preservation code and then develop a stake holders group to further discuss this issue.

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT REGULATIONS RELATING TO RESIDENTIAL ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS, AND AMENDING CHAPTERS 19.08 AND 19.34 OF THE MARYSVILLE MUNICIPAL CODE.

WHEREAS, the State Growth Management Act, Chapter 36.70A, RCW mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its zoning code and development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's Zoning Code (Title 19 MMC); and

WHEREAS, the Zoning Code amendment is consistent with the following required findings of MMC 19.56.030:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of Title 19 MMC;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action; and

WHEREAS, the Marysville Planning Commission, after review of the proposed amendment, held a public workshop on January 13, 2009 and held public hearings on February 10, 2009, February 24, 2009 and April 28, 2009, where staff presented a recommendation and testimony was solicited from the general public, following public notice in accordance with Chapter 18.10 MMC; and

WHEREAS, at a public meeting on May 26, 2009, the Marysville City Council reviewed and considered the amendment to the Zoning Code proposed by the Marysville Planning Commission; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Community, Trade, and Economic Development as required by RCW 36.70A.106; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act, Ch.43.21C RCW, (SEPA) by adopting a determination of non-significance for the proposed revisions to the City's development regulations;

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

Section 1. Chapter 19.34 MMC is hereby amended by amending MMC 19.34.010 through 19.34.030 to read as follows:

Chapter 19.34
RESIDENTIAL ACCESSORY STRUCTURES

Sections:

<u>19.34.010</u>	Purpose.
<u>19.34.020</u>	Accessory structure standards.
19.34.030	Accessory dwelling unit standards.

19.34.010 Purpose.

The purpose of this chapter is to allow for residential accessory structures, including secondary dwelling units, to be established which are incidental to the primary residential use of a single-family residence, while ensuring compatibility with surrounding single-family uses. The accessory structure must be clearly secondary to the primary use. Accessory structures or uses may not be established until the principal structure is constructed on the property. (Ord. 2131, 1997).

19.34.020 Accessory structure standards.

In the zones in which a residential accessory structure is listed as a permitted use, the community development director or designee shall review all proposals to construct an accessory structure. The following standards and regulations shall apply to all proposed accessory structures; provided that accessory dwelling units shall only be allowed in zones where they are a permitted use and shall also comply with the standards set forth in Section 19.34.030:

- (1) Accessory structures on properties less than one acre in size shall comply with the following density and dimensional requirements:
 - (a) The footprint of all detached accessory structures shall not exceed the lesser of:
 - (i) Fifteen percent of the total lot area in the R-4.5, R-6.5, R-8 and WR-R4-8 zones, or 20 percent of the total lot area in the R-12-28 and WR-R6-18 zones; or
 - (ii) Eighty percent of the footprint of the primary residential structure.
 - (b) The height of all detached accessory structures shall not exceed 20 feet, except that detached accessory structures containing an accessory dwelling unit shall not exceed the base height for the zone.

- (2) A detached garage, carport or other permitted accessory building may be located in the rear yard, provided that:
- (a) Not more than 50 percent of the required rear setback area is covered; and
 - (b) Accessory structure(s) located within rear setback areas shall have a minimum interior side setback of five feet, or 10 feet on the flanking street of a corner lot, and a minimum rear setback of five feet; and
 - (c) Vehicle access points from garages, carports, fenced parking areas or other accessory structure(s), the entrance of which faces the rear lot line, shall not be located within 10 feet from the rear lot line, except where the accessory structure's entrance faces an alley with a right-of-way width of 10 feet, in which case the accessory structure(s) shall not be located within 20 feet from the rear lot line; and
 - (d) In Planning Area 1 "Downtown Neighborhood," the rear setbacks outlined in subsections 2(b) & (c) may be reduced to two feet from the rear lot line; provided that the alley right-of-way is a minimum of 20 feet in width. Where the alley right-of-way is less than 20 feet in width, the property owner shall be required to dedicate to the city sufficient property to widen the abutting alley to the full width as measured from the design centerline, so as to conform to the applicable road standards specified by the City Engineer. Upon dedication of the necessary right-of-way, the rear setback may be reduced to two feet from the rear lot line. Where an existing, nonconforming structure is internally remodeled to include an accessory dwelling unit, but the footprint of the structure is not increased, the structure can be allowed to remain at a zero setback provided that the right-of-way is 20 feet in width.
 - (e) Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and
 - (f) An accessory structure, which is located in the rear setback area, may be attached to the principal structure; provided, that no portion of the principal building is located within the required yard setbacks for principal structures in the zone.
- (3) A detached garage, carport or other permitted accessory structure may be located in the front or side yard, only if the applicant demonstrates to the satisfaction of the community development director that the following conditions can be met:
- (a) Accessory structures that are located in the front or side yard, or on the flanking street side of a corner lot, shall be consistent with the architectural character of the residential neighborhood in which they are proposed to be located, and shall be subject to, but not limited to, the following development standards:
 - (i) The accessory structure shall be consistent with the architectural character of the principal structure; and
 - (ii) The accessory structure shall have a roof pitch similar to the principal structure and have siding and roofing materials similar to or compatible with those used on the principal structure. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the principal structure. Plans for the proposed accessory structure(s) indicating siding and roofing materials shall be submitted with the application; and
 - (iii) Detached accessory structures located in the front or side yard shall provide the minimum required yard setback for principal structures in the zone.
- (4) The community development director is specifically authorized to allow an increase in the size of a detached accessory structure over the requirements outlined in subsection (1), provided that the accessory structure(s) shall be compatible with the principal structure

and/or neighborhood character. To make this determination, the community development director may consider such factors that include, but are not limited to, view obstruction, roof pitch, building materials, screening and landscaping, aesthetic impact on surrounding properties and streetscape, incompatible scale with dwellings on surrounding properties, and impact on neighborhood character. The community development director shall also have the authority to impose greater setback requirements, landscape buffers, or other locational or design requirements as necessary to mitigate the impacts of accessory structures which are greater in size than otherwise allowed by this section.

19.34.030 Accessory dwelling unit standards.

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

- (1) An owner-occupant of a single-family dwelling unit may establish only one accessory unit, which may be attached to the single-family dwelling, or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in Chapter 19.44 MMC, is located.
- (2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required which is signed by the owner, and recorded against the property as part of the application process.
- (3) The floor area of the accessory dwelling unit shall not exceed 35 percent of the total floor area of the original single-family dwelling. In no case shall the accessory dwelling unit be less than 300 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.
- (4) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.
- (5) One off-street parking space shall be provided and designated for the accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.
- (6) An owner-occupant of a single-family dwelling with an accessory apartment shall file, on a form available from the planning department, a declaration of owner occupancy with the planning department prior to issuance of the building permit for the accessory apartment and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.
- (7) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.
- (8) In addition to the conditions which may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:
 - (a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces; or
(c) The owner ceases to reside in either the principal or the accessory dwelling unit; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship. (Ord. 2415 § 1, 2002; Ord. 2131, 1997).

Section 2. Chapter 19.08 MMC is hereby amended by amending MMC 19.08.030 to read as follows:

19.08.030 Residential land uses.

(1) Table.

Specific Land Use	RU	R 4.5-8	R 12-28	NB	CB	GC	DC	MU	BP	LI	GI	P/I
Dwelling Units, Types:												
Single detached (22)	P18	P18	P18									
Cottage housing		C7	C7									
Duplex (22)	P	P11C	P									
Townhouse		P3	P				P17	P				
Multiple-family			P	C9	P9, C15	P9, C15	P9, P17	P				
Mobile home	P19	P19, C3	P19	P19	P19	P19	P19	P19	P19	P19	P19	
Mobile home park	C		C14, P			P						
Senior citizen assisted		C2	C2	P				C				P
Factory-built	P10	P10	P10									
Guesthouse	P6											
Caretaker's quarters (8)					P	P	P		P	P	P	P
Group Residences:												
Adult family home	P	P	P	P	P	P	P	P				P
Convalescent, nursing, retirement		C2	C2	C	P	P	P	P				P
Residential care facility	P	P	P	P	P	P	P	P				P

Accessory Uses:												
Residential accessory uses (1) (12) (16)	P	P	P									
Home occupation (5)	P	P	P20	P20	P20, P21	P20, P21	P20, P21	P20, P21	P21	P21	P21	
Temporary Lodging:												
Hotel/motel			P	P	P	P	P	P	P	P		
Bed and breakfast guesthouse (4)	C	C13	P									
Bed and breakfast inn (4)	C		P	P	P	P						

(2) Development Conditions.

1. Accessory dwelling units must comply with development standards in **Section 19.34.030 MMC**, Accessory dwelling unit standards.
2. Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.
3. Only as part of a PRD development proposal, and subject to the same density as the underlying zone.
4. Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter 19.36 MMC, Bed and Breakfasts.
5. Home occupations are subject to the requirements and standards contained in Chapter 19.32 MMC, Home Occupations.
6.
 - a. Guesthouses are not to be used as rental units or as a bed and breakfast;
 - b. Only one guesthouse may be permitted per lot; and
 - c. Each guesthouse shall be sited so that future division of the property will allow each structure to meet all bulk and dimensional requirements for the zone in which it is located.
7. Subject to MMC cottage housing provisions, MMC 19.14.040.
8. Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business.
9. All units must be located above a street-level commercial use.
10.
 - a. A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.
 - b. A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.
11. Permitted outright in the R-8 and R-6.5 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.
12.
 - a. A garage sale shall comply with the following standards:
 - i. No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.

ii. Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

b. A garage sale complying with the above conditions shall be considered as being an allowable accessory use to all residential land uses. A garage sale violating one or more of the above conditions shall be considered as being a commercial use and will be disallowed unless it complies with all requirements affecting commercial uses.

13. Limited to the R-6.5 and R-8 zones only.

14. A conditional use permit is required in the low density multiple-family zone.

15. Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.

16. Residential accessory structures must comply with development standards in Section 19.34.020 MMC, Accessory structure standards.

17. Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.

18. Manufactured homes must:

a. Be no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate;

b. Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;

c. Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located.

19. Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.

20. Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.

21. Permitted in a legal nonconforming or conforming residential structure.

22. No more than one single-family detached or duplex dwelling(s) is allowed per lot except in planned residential developments, Chapter 19.48 MMC, using the binding site plan process and designated, on the face of the BSP, for multiple single-family detached dwellings on a single parcel; or accessory dwelling units through the provisions of Chapter 19.34 MMC.

(Ord. 2742, 2008; Ord. 2662 § 1, 2006; Ord. 2639 § 1, 2006; Ord. 2631 § 3, 2006; Ord. 2626 § 4, 2006; Ord. 2575 § 1, 2005; Ord. 2463A § 1, 2003; Ord. 2433 § 1, 2002; Ord. 2410 § 1, 2002; Ord. 2151 § 5, 1997; Ord. 2131, 1997).

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this _____ day of

_____, 2009.

CITY OF MARYSVILLE

By: _____
DENNIS KENDALL, MAYOR

Attest:

By: _____
TRACY JEFFRIES, CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Chapter 19.34
RESIDENTIAL ACCESSORY STRUCTURES

Sections:

- [19.34.010](#) Purpose.
- [19.34.020](#) Accessory structure standards.
- 19.34.030 Accessory dwelling unit standards.

19.34.010 Purpose.

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19.34.020 Accessory structure standards.

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- (1) Accessory structures on properties less than one acre in size shall comply with the following density and dimensional requirements:
 - (a) The footprint of all detached accessory structure(s) shall not exceed the lesser of:
 - (i) Fifteen percent of the total lot area in the R-4.5, R-6.5, R-8 and WR-R4-8 zones, or 20 percent of the total lot area in the R-12-28 and WR-R6-18 zones;
 - or
 - (ii) Eighty percent of the footprint of the primary residential structure;
 - (iii) The community development director may allow minor deviations to these dimensional requirements in order to accommodate industry standards for building dimensions.
 - (b) The height of all detached accessory structures shall not exceed 20 feet, except that detached accessory structures containing an accessory dwelling unit shall not exceed the base height for the zone.
- (2) A detached garage, carport or other permitted accessory building may be located in the rear yard, provided that:
 - (a) Not more than 50 percent of the required rear setback area is covered; and
 - (b) Accessory structure(s) located within rear setback areas shall have a minimum interior side setback of five feet, or 10 feet on the flanking street of a corner lot, and a minimum rear setback of five feet; and
 - (c) Vehicle access points from garages, carports, fenced parking areas or other accessory structure(s), the entrance of which faces the rear lot line, shall not be located within 10 feet from the rear lot line, except where the accessory structure's entrance faces an alley with a right-of-way width of 10 feet, in

- which case the accessory structure(s) shall not be located within 20 feet from the rear lot line; and
- (d) In Planning Area 1 “Downtown Neighborhood,” the rear setbacks outlined in subsections 2(b) & (c) may be reduced to two feet from the rear lot line; provided that the alley right-of-way is a minimum of 20 feet in width. Where the alley right-of-way is less than 20 feet in width, the property owner shall be required to dedicate to the city sufficient property to widen the abutting alley to the full width as measured from the design centerline, so as to conform to the applicable road standards specified by the City Engineer. Upon dedication of the necessary right-of-way, the rear setback may be reduced to two feet from the rear lot line. Where an existing, nonconforming structure is internally remodeled to include an accessory dwelling unit, but the footprint of the structure is not increased, the structure can be allowed to remain at a zero setback, provided that the right-of-way is 20 feet in width.
 - (e) Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and
 - (f) An accessory structure, which is located in the rear setback area, may be attached to the principal structure; provided that no portion of the principal building is located within the required yard setbacks for principal structures in the zone.
- (3) A detached garage, carport or other permitted accessory structure may be located in the front or side yard, only if the applicant demonstrates to the satisfaction of the community development director that the following conditions can be met:
- (a) Accessory structures that are located in the front or side yard, or on the flanking street side of a corner lot, shall be consistent with the architectural character of the residential neighborhood in which they are proposed to be located, and shall be subject to, but not limited to, the following development standards:
 - (i) The accessory structure shall be consistent with the architectural character of the principal structure; and
 - (ii) The accessory structure shall have a roof pitch similar to the principal structure and have siding and roofing materials similar to or compatible with those used on the principal structure. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the principal structure, or unless it is a building material that is of a residential character such as metal tab roofing or other products consistent with standard residential building materials. Plans for the proposed accessory structure(s) indicating siding and roofing materials shall be submitted with the application; and
 - (iii) Detached accessory structures located in the front or side yard shall provide the minimum required yard setback for principal structures in the zone.
- (4) The community development director is specifically authorized to allow an increase in the size of a detached accessory structure over the requirements outlined in subsection (1), provided that the accessory structure(s) shall be

compatible with the principal structure and/or neighborhood character. To make this determination, the community development director may consider such factors that include, but are not limited to, view obstruction, roof pitch, building materials, screening and landscaping, aesthetic impact on surrounding properties and streetscape, incompatible scale with dwellings on surrounding properties, and impact on neighborhood character. The community development director shall also have the authority to impose greater setback requirements, landscape buffers, or other locational or design requirements as necessary to mitigate the impacts of accessory structures which are greater in size than otherwise allowed by this section.

19.34.030 Accessory dwelling unit standards.

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

- (1) An owner-occupant of a single-family dwelling unit may establish only one accessory unit, which may be attached to the single-family dwelling, or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in Chapter [19.44](#) MMC, is located.
- (2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required which is signed by the owner, and recorded against the property as part of the application process.
- (3) The floor area of the accessory dwelling unit shall not exceed 35 percent of the total floor area of the original single-family dwelling, and shall comply with the density and dimensional requirements set forth in Section 19.12.030. In no case shall the accessory dwelling unit be less than 300 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.
- (4) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.
- (5) One off-street parking space shall be provided and designated for the accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.
- (6) An owner-occupant of a single-family dwelling with an accessory apartment shall file, on a form available from the planning department, a declaration of owner occupancy with the planning department prior to issuance of the building permit for the accessory apartment and shall renew the declaration annually. The initial

declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.

(7) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.

(8) In addition to the conditions which may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:

(a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces; or

(c) The owner ceases to reside in either the principal or the accessory dwelling unit; provided that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship.(Ord. 2415 § 1, 2002; Ord. 2131, 1997).

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,
AMENDING THE CITY'S DEVELOPMENT REGULATIONS
RELATING TO RESIDENTIAL ACCESSORY STRUCTURES AND
ACCESSORY DWELLING UNITS, AND AMENDING CHAPTERS 19.08
AND 19.34 OF THE MARYSVILLE MUNICIPAL CODE.

WHEREAS, the State Growth Management Act, Chapter 36.70A, RCW mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its zoning code and development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's Zoning Code (Title 19 MMC); and

WHEREAS, the Zoning Code amendment is consistent with the following required findings of MMC 19.56.030:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of Title 19 MMC;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action; and

WHEREAS, the Marysville Planning Commission, after review of the proposed amendment, held a public workshop on January 13, 2009 and held public hearings on February 10, 2009, February 24, 2009 and April 28, 2009, where staff presented a recommendation and testimony was solicited from the general public, following public notice in accordance with Chapter 18.10 MMC; and

WHEREAS, at a public meeting on May 26, 2009, the Marysville City Council reviewed and considered the amendment to the Zoning Code proposed by the Marysville Planning Commission; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Community, Trade, and Economic Development as required by RCW 36.70A.106; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act, Ch.43.21C RCW, (SEPA) by adopting a determination of non-significance for the proposed revisions to the City's development regulations;

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

Section 1. Chapter 19.34 MMC is hereby amended by amending MMC 19.34.010 through 19.34.030 to read as follows:

**Chapter 19.34
RESIDENTIAL ACCESSORY STRUCTURES**

Sections:

- 19.34.010 Purpose.
- 19.34.020 Accessory structure standards.
- 19.34.030 Accessory dwelling unit standards.

19.34.010 Purpose.

The purpose of this chapter is to allow for residential accessory structures, including secondary dwelling units, to be established which are incidental to the primary residential use of a single-family residence, while ensuring compatibility with surrounding single-family uses. The accessory structure must be clearly secondary to the primary use. Accessory structures or uses may not be established until the principal structure is constructed on the property. (Ord. 2131, 1997).

19.34.020 Accessory structure standards.

In the zones in which a residential accessory structure is listed as a permitted use, the community development director or designee shall review all proposals to construct an accessory structure. The following standards and regulations shall apply to all proposed accessory structures; provided that accessory dwelling units shall only be allowed in zones where they are a permitted use and shall also comply with the standards set forth in Section 19.34.030:

- (1) Accessory structures on properties less than one acre in size shall comply with the following density and dimensional requirements:
 - (a) The footprint of all detached accessory structures shall not exceed the lesser of:
 - (i) Fifteen percent of the total lot area in the R-4.5, R-6.5, R-8 and WR-R4-8 zones, or 20 percent of the total lot area in the R-12-28 and WR-R6-18 zones; or
 - (ii) Eighty percent of the footprint of the primary residential structure.
 - (iii) The community development director may allow minor deviations to these dimensional requirements in order to accommodate industry standards for building dimensions.

- (b) The height of all detached accessory structures shall not exceed 20 feet, except that detached accessory structures containing an accessory dwelling unit shall not exceed the base height for the zone.
- (2) A detached garage, carport or other permitted accessory building may be located in the rear yard, provided that:
- (a) Not more than 50 percent of the required rear setback area is covered; and
 - (b) Accessory structure(s) located within rear setback areas shall have a minimum interior side setback of five feet, or 10 feet on the flanking street of a corner lot, and a minimum rear setback of five feet; and
 - (c) Vehicle access points from garages, carports, fenced parking areas or other accessory structure(s), the entrance of which faces the rear lot line, shall not be located within 10 feet from the rear lot line, except where the accessory structure's entrance faces an alley with a right-of-way width of 10 feet, in which case the accessory structure(s) shall not be located within 20 feet from the rear lot line; and
 - (d) In Planning Area 1 "Downtown Neighborhood," the rear setbacks outlined in subsections 2(b) & (c) may be reduced to two feet from the rear lot line; provided that the alley right-of-way is a minimum of 20 feet in width. Where the alley right-of-way is less than 20 feet in width, the property owner shall be required to dedicate to the city sufficient property to widen the abutting alley to the full width as measured from the design centerline, so as to conform to the applicable road standards specified by the City Engineer. Upon dedication of the necessary right-of-way, the rear setback may be reduced to two feet from the rear lot line. Where an existing, nonconforming structure is internally remodeled to include an accessory dwelling unit, but the footprint of the structure is not increased, the structure can be allowed to remain at a zero setback provided that the right-of-way is 20 feet in width.
 - (e) Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and
 - (f) An accessory structure, which is located in the rear setback area, may be attached to the principal structure; provided, that no portion of the principal building is located within the required yard setbacks for principal structures in the zone.
- (3) A detached garage, carport or other permitted accessory structure may be located in the front or side yard, only if the applicant demonstrates to the satisfaction of the community development director that the following conditions can be met:
- (a) Accessory structures that are located in the front or side yard, or on the flanking street side of a corner lot, shall be consistent with the architectural character of the residential neighborhood in which they are proposed to be located, and shall be subject to, but not limited to, the following development standards:
 - (i) The accessory structure shall be consistent with the architectural character of the principal structure; and
 - (ii) The accessory structure shall have a roof pitch similar to the principal structure and have siding and roofing materials similar to or compatible with those used on the principal structure. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the principal structure, or unless it is a building material that is of a residential character such as metal tab roofing or other products consistent with standard residential building materials. Plans for the proposed accessory structure(s) indicating siding and roofing materials shall be submitted with the application; and

(iii) Detached accessory structures located in the front or side yard shall provide the minimum required yard setback for principal structures in the zone.

(4) The community development director is specifically authorized to allow an increase in the size of a detached accessory structure over the requirements outlined in subsection (1), provided that the accessory structure(s) shall be compatible with the principal structure and/or neighborhood character. To make this determination, the community development director may consider such factors that include, but are not limited to, view obstruction, roof pitch, building materials, screening and landscaping, aesthetic impact on surrounding properties and streetscape, incompatible scale with dwellings on surrounding properties, and impact on neighborhood character. The community development director shall also have the authority to impose greater setback requirements, landscape buffers, or other locational or design requirements as necessary to mitigate the impacts of accessory structures which are greater in size than otherwise allowed by this section.

19.34.030 Accessory dwelling unit standards.

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

- (1) An owner-occupant of a single-family dwelling unit may establish only one accessory unit, which may be attached to the single-family dwelling, or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in Chapter 19.44 MMC, is located.
- (2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required which is signed by the owner, and recorded against the property as part of the application process.
- (3) The floor area of the accessory dwelling unit shall not exceed 35 percent of the total floor area of the original single-family dwelling, and shall comply with the density and dimensional requirements set forth in Section 19.12.030. In no case shall the accessory dwelling unit be less than 300 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.
- (4) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.
- (5) One off-street parking space shall be provided and designated for the accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.
- (6) An owner-occupant of a single-family dwelling with an accessory apartment shall file, on a form available from the planning department, a declaration of owner occupancy with the planning department prior to issuance of the building permit for the accessory apartment and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.

(7) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.

(8) In addition to the conditions which may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:

(a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces; or

(c) The owner ceases to reside in either the principal or the accessory dwelling unit; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship. (Ord. 2415 § 1, 2002; Ord. 2131, 1997).

Section 2. Chapter 19.08 MMC is hereby amended by amending MMC 19.08.030 to read as follows:

19.08.030 Residential land uses.

(1) Table.

Specific Land Use												
	RU	R 4.5-8	R 12-28	NB	CB	GC	DC	MU	BP	LI	GI	P/I
Dwelling Units, Types:												
Single detached (22)	P18	P18	P18									
Cottage housing		C7	C7									
Duplex (22)	P	P11C	P									
Townhouse		P3	P				P17	P				
Multiple-family			P	C9	P9, C15	P9, C15	P9, P17	P				
Mobile home	P19	P19, C3	P19	P19	P19	P19	P19	P19	P19	P19	P19	
Mobile home park	C		C14, P			P						
Senior citizen assisted		C2	C2	P				C				P
Factory-built	P10	P10	P10									
Guesthouse	P6											

Caretaker's quarters (8)					P	P	P		P	P	P	P
Group Residences:												
Adult family home	P	P	P	P	P	P	P	P				P
Convalescent, nursing, retirement		C2	C2	C	P	P	P	P				P
Residential care facility	P	P	P	P	P	P	P	P				P
Accessory Uses:												
Residential accessory uses (1) (12) (16)	P	P	P									
Home occupation (5)	P	P	P20	P20	P20, P21	P20, P21	P20, P21	P20, P21	P21	P21	P21	
Temporary Lodging:												
Hotel/motel			P	P	P	P	P	P	P	P		
Bed and breakfast guesthouse (4)	C	C13	P									
Bed and breakfast inn (4)	C		P	P	P	P						

(2) Development Conditions.

1. Accessory dwelling units must comply with development standards in **Section 19.34.030 MMC, Accessory dwelling unit standards.**
2. Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.
3. Only as part of a PRD development proposal, and subject to the same density as the underlying zone.
4. Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter 19.36 MMC, Bed and Breakfasts.
5. Home occupations are subject to the requirements and standards contained in Chapter 19.32 MMC, Home Occupations.
6.
 - a. Guesthouses are not to be used as rental units or as a bed and breakfast;
 - b. Only one guesthouse may be permitted per lot; and
 - c. Each guesthouse shall be sited so that future division of the property will allow each structure to meet all bulk and dimensional requirements for the zone in which it is located.
7. Subject to MMC cottage housing provisions, MMC 19.14.040.
8. Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business.
9. All units must be located above a street-level commercial use.
10.
 - a. A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.
 - b. A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.

11. Permitted outright in the R-8 and R-6.5 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.

12. a. A garage sale shall comply with the following standards:
i. No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.
ii. Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

b. A garage sale complying with the above conditions shall be considered as being an allowable accessory use to all residential land uses. A garage sale violating one or more of the above conditions shall be considered as being a commercial use and will be disallowed unless it complies with all requirements affecting commercial uses.

13. Limited to the R-6.5 and R-8 zones only.

14. A conditional use permit is required in the low density multiple-family zone.

15. Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.

16. Residential accessory structures must comply with development standards in Section 19.34.020 MMC, Accessory structure standards.

17. Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.

18. Manufactured homes must:

a. Be no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate;

b. Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;

c. Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located.

19. Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.

20. Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.

21. Permitted in a legal nonconforming or conforming residential structure.

22. No more than one single-family detached or duplex dwelling(s) is allowed per lot except in planned residential developments, Chapter 19.48 MMC, using the binding site plan process and designated, on the face of the BSP, for multiple single-family detached dwellings on a single parcel; or accessory dwelling units through the provisions of Chapter 19.34 MMC.

(Ord. 2742, 2008; Ord. 2662 § 1, 2006; Ord. 2639 § 1, 2006; Ord. 2631 § 3, 2006; Ord. 2626 § 4, 2006; Ord. 2575 § 1, 2005; Ord. 2463A § 1, 2003; Ord. 2433 § 1, 2002; Ord. 2410 § 1, 2002; Ord. 2151 § 5, 1997; Ord. 2131, 1997).

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2009.

CITY OF MARYSVILLE

By: _____
DENNIS KENDALL, MAYOR

Attest:

By: _____
TRACY JEFFRIES, CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

PASSED by the City Council and APPROVED by the Mayor this 8 day of June, 2009.

CITY OF MARYSVILLE

By Dennis Z Kardall
MAYOR

ATTEST:

By [Signature]
CITY CLERK

Approved as to form:

By [Signature]
CITY ATTORNEY

Date of Publication: 6/10/09

Effective Date (5 days after publication): 6/15/09

Exhibit A 2009 Detail Budget Adjustment

Fund No.	Amendment Description	Original Fund Budget	Amendment Request	Proposed Amended Budget	Ending Fund Balance	Revised Ending Fd Balance	Additional Revenue
00100313.331000	Local Sales Tax	6,977,785				(1,250,000)	(1,250,000)
00107322.321000	Buildings Structure	750,000				(400,000)	(400,000)
00102338.381300	Court Services	350,000				27,812	27,812
00107345.358100	Zoning & Subdivision Fees	200,000				(140,000)	(140,000)
00107345.358300	Plan Checking Fees	450,000				(180,000)	(180,000)
00107345.358301	Plan Check Fees - Eng	30,000				(77,747)	(77,747)
00100361.311100	Investment Interest	300,000				(198,150)	(198,150)
00100397.370000	Hotel/Motel Grant Tsfer Police O/T	486,000				25,000	25,000
00100397.370000	Trsfer Fund Balances					690,000	690,000
00100314.345500	SW Internal tax increase 6 to 15	221,887				517,736	517,736
00100349.391900	Interfund Engineering	803,382				(34,117)	(34,117)
00100349.391900.03HR	Interfund HR	208,282				(13,017)	(13,017)
00100349.391900.04ACT	Interfund Fin	278,635				(12,349)	(12,349)
00100011.561000	Wright Property Purchase reversal	1,776,565	(1,776,565)			1,776,565	
00100397.370000	Wright Property Purchase reversal					(1,776,565)	(1,776,565)
00199597.500000	Reduce Golf Subsidy		(11,000)			11,000	
00100050.511000	Reduce bailiff hours	726,997	(14,300)			14,300	
00100050.521000	Reduce bailiff hours	54,290	(1,121)			1,121	
00100050.522000	Reduce bailiff hours	57,854	(1,094)			1,094	
00100050.511100	Seasonal	3,500	(3,500)			3,500	
00100060.511000	Reduce # of mtgs to actual instead of possible	61,425	(5,000)			5,000	
00100060.521000	Reduce # of mtgs to actual instead of possible	3,136	(383)			383	
00100060.511000	Reallocate 50/50 instead of 65/35		(10,432)			10,432	
00100060.521000	Reallocate 50/50 instead of 65/36		(798)			798	
00100310.511000	Eliminate HR Specialist I Position	382,172	(27,528)			27,528	
00100310.521000	Eliminate HR Specialist I Position	28,196	(2,106)			2,106	
00100310.522000	Eliminate HR Specialist I Position	29,962	(2,155)			2,155	
00100310.523000	Eliminate HR Specialist I Position	52,426	(5,167)			5,167	
00100310.511100	HR Seasonal	5,000	(5,000)			5,000	
00100110.511100	Exec Seasonal	6,000	(5,832)			5,832	
00100720.511100	Comm Info Seasonal	-	3,900			(3,900)	
00101023.511000	Eliminate Finance 1 Senior Acctg Tech Position	466,289	(27,701)			27,701	
00101023.521000	Eliminate Finance 1 Senior Acctg Tech Position	33,017	(2,119)			2,119	
00101023.522000	Eliminate Finance 1 Senior Acctg Tech Position	36,558	(2,169)			2,169	
00101023.523000	Eliminate Finance 1 Senior Acctg Tech Position	87,788	(6,679)			6,679	
00101130.511100	Finance Seasonal	5,000	(5,000)			5,000	
00102020.511000	Eliminate CD Position	1,346,239	(30,092)			30,092	
00102020.511100	CD Seasonal	80,000	(80,000)			80,000	
00102020.521000	Eliminate CD 2 PT Program Clk Positions	101,018	(2,282)			2,282	
00102020.522000	Eliminate CD 2 PT Program Clk Positions	105,546	(2,359)			2,359	
00102020.523000	Eliminate CD 2 PT Program Clk Positions	222,233	(9,604)			9,604	
00105120.531000.0902	Online Registration put on hold	23,060	(17,000)			17,000	
00105120.531050	Reduce Special Events	20,600	(13,860)			13,860	
00103010.543000	Travel - Police Admin	17,500	(15,333)			15,333	
00103010.549100	Training- Police Admin	12,000	(10,375)			10,375	
00103121.543000	Travel - Investigations	9,000	(7,833)			7,833	
00103121.549100	Training- Investigations	12,000	(9,266)			9,266	
00103222.543000	Travel - Patrol	21,000	(17,292)			17,292	
00103222.549100	Training- Patorl	18,000	(11,284)			11,284	
00104230.543000	Travel - Animal Cntrl	1,000	(675)			675	
00104230.549100	Training- Animal Cntrl	750	(900)			900	
00103426.549100	Training- ATTF	2,000	(1,800)			1,800	
00103528.543000	Travel - SRO	3,000	(2,700)			2,700	
00103528.549100	Training- SRO	1,700	(1,530)			1,530	
00103740.543000	Travel - Tng./Firearms	2,500	(1,700)			1,700	
00103740.549100	Training- Tng./Firearms	2,400	(1,373)			1,373	
00103960.543000	Travel - Custody	3,000	(2,700)			2,700	
00103960.549100	Training-Custody	4,000	(3,600)			3,600	
00104190.543000	Travel - Records	3,000	(2,740)			2,740	
00104190.549100	Training- Records	4,000	(3,424)			3,424	
00103222.512000	Patrol O/T	519,000	(127,950)			127,950	
00103960.551000	Jail I'Govt	1,006,500	(200,000)			200,000	
00103222.531000	Reduce Supplies	30,000	(11,275)			11,275	
00103010.531000	Reduce Supplies	7,400	(57,437)			57,437	
00103010.535000	Reduce Small Tools	4,800	(29,000)			29,000	
00103000.500000.0901	Hold purchasing jail van	90,000	(90,000)			90,000	
00101023.546000	Insurance Savings	14,261	(12,767)			12,767	
00100090.551000	SAO Saving	54,805	(34,805)			34,805	
00105580.547000	Wright Field utilities	-	5,000			(5,000)	
00100110.541000	Berk Annexation Study	-	35,000			(35,000)	
00105515.511000	Prosecutor Pro Specialist	-	26,215			(26,215)	
00105515.521000	Prosecutor Pro Specialist	-	1,993			(1,993)	
00105515.522000	Prosecutor Pro Specialist	-	2,055			(2,055)	
00105515.523000	Prosecutor Pro Specialist	-	6,805			(6,805)	
00105515.524000	Prosecutor Pro Specialist	-	123			(123)	
00100020.511000	Eng Adj (downgrade of PW Asst Dir/ Reallocate PW Admin	825,094	(38,849)			38,849	
00100020.521000	Eng Adj (downgrade of PW Asst Dir/ Reallocate PW Admin	62,387	(2,689)			2,689	
00100020.522000	Eng Adj (downgrade of PW Asst Dir/ Reallocate PW Admin	64,690	(3,438)			3,438	
00100020.523000	Eng Adj (downgrade of PW Asst Dir/ Reallocate PW Admin	115,271	(9,550)			9,550	
00100020.524000	Eng Adj (downgrade of PW Asst Dir/ Reallocate PW Admin	4,042	(208)			208	
00100020.525000	Eng Adj (downgrade of PW Asst Dir/ Reallocate PW Admin	1,651	(146)			145	
00109522.551000	Fire Interlocal	5,186,245	(250,000)			250,000	
00100050.522000	Benefits for Cr Commissioner	57,854	3,634			(3,634)	
00100050.523000	Benefits for Cr Commissioner	188,317	2,117			(2,117)	
00105515.541000	Public Defender	294,516	84,000			(84,000)	
		25,414,525	(2,862,643)			236,558	(2,821,397)

Exhibit A 2009 Detailed Budget Adjustments (con't.)

Fund No.	Amendment Description	Original Fund Budget	Amendment Request	Proposed Amended Budget	Ending Fund Balance	Revised Ending Fd Balance	Additional Revenue
00500000.500000	Reverse Wright Property Purchase		(1,776,565)			1,776,565	
			(1,776,565)	-	-	1,776,565	-
41046060.554000	Increase in City Taxes		517,736			(517,736)	
29900597.500000	Transfer Funds to GF		40,000			(40,000)	
29900308.380000	Beginning Cash Balance					12,855	12,855
29900361.311000	Investment Interest					407	407
29900361.315500	Interest-Special Assessments					509	509
29900368.380001	Principle Special Assessment					5,145	5,145
			40,000			(21,084)	18,916
31000076.563000	Wright Property Purchase		1,776,565			(1,776,565)	
31010381.311000	Interfund Loan Proceeds					1,276,565	1,276,565
31010395.351000	Sales of Assets					500,000	500,000
			1,776,565	-	-	-	1,776,565
10800597.500000	Transfer Funds to GF		150,000			(150,000)	
10800308.380000	Adjust beginning fund balance					48,512	48,512
10800367.371100	I/Net Fees					35,000	35,000
			150,000			(66,488)	83,512
42047165.548000.0918	Pave Cart Wash and Return Area		(2,000)			2,000	
42047165.535000.0919	Greens Reels for Triplex		(2,500)			2,500	
42047165.546000.0920	Sidewinder Trim Mower		(6,500)			6,500	
42017397.370000						(11,000)	(11,000)
			(11,000)			-	(11,000)
10116313.331000	Reduce Sales Tax Subsidy	1,337,828				(750,000)	(750,000)
10116336.360087	Adjust MV Fuel Tax - Fund 102 & reduce receipts	563,923				233,651	233,651
10116397.370000	Transfer from Fund 102	200,000				221,800	221,800
10100000.500000.0903	Asphalt/Concrete Cut Saw	20,000	(20,000)			20,000	
10110130.531000	Reduce Supplies	80,000	(60,000)			60,000	
10110130.549200	Reduce Misc Projects	60,000	(60,000)			60,000	
10110240.511100	Reduce Seasonal	4,607	(4,607)			4,607	
10110361.511100	Reduce Seasonal	4,607	(4,607)			4,607	
10110361.549200	Reduce Misc Projects	25,000	(20,150)			20,150	
			(169,364)			(154,549)	(294,549)
10216336.360088	Move Fuel Tax to Fund 101	303,651				(303,651)	(303,651)
10216331.331000	Grant Proceeds - Stimulus Grant	-				500,000	500,000
10200597.500000	Transfer to Fund 101	-	221,800			(221,800)	
10216308.380000	Beginning Fund Balance					77,716	77,716
			221,800	-		52,265	274,065
50100597.500000	Transfer Funds to GF		440,000			(440,000)	(440,000)
50100065.511000	Eliminate Fleet/Facilities Manager Position	47,836	(23,918)	23,918		23,918	
50100065.521000	Eliminate Fleet/Facilities Manager Position	3,634	(1,817)	1,817		1,817	
50100065.522000	Eliminate Fleet/Facilities Manager Position	3,751	(1,876)	1,876		1,876	
50100065.523000	Eliminate Fleet/Facilities Manager Position	4,072	(2,036)	2,036		2,036	
50100065.524000	Eliminate Fleet/Facilities Manager Position	782	(391)	391		391	
		60,075	409,963	30,038	-	(409,963)	(440,000)
50200050.511000	Eliminate Fleet/Facilities Manager Position	47,836	(23,918)	23,918		23,918	
50200050.521000	Eliminate Fleet/Facilities Manager Position	3,634	(1,817)	1,817		1,817	
50200050.522000	Eliminate Fleet/Facilities Manager Position	3,751	(1,876)	1,876		1,876	
50200050.523000	Eliminate Fleet/Facilities Manager Position	4,072	(2,036)	2,036		2,036	
50200050.524000	Eliminate Fleet/Facilities Manager Position	782	(391)	391		391	
		59,293	(29,647)	29,647	-	30,038	-

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. 2778

AN ORDINANCE OF THE CITY OF MARYSVILLE AMENDING SECTIONS 3.67.010 OF THE MARYSVILLE MUNICIPAL CODE TO INCREASE THE CITY TAX RATE FROM SIX PERCENT OF GROSS RECEIPTS TO FIFTEEN PERCENT OF GROSS RECEIPTS.

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

SECTION 1. MMC 3.67.010 of the Marysville Municipal Code is hereby amended to provide as follows:

Tax imposed. There is levied and there shall be collected from the solid waste department of the city a tax in the amount of fifteen percent of the gross receipts of the customer accounts in such department.

PASSED by the City Council and APPROVED by the Mayor this 8th day of June, 2009.

CITY OF MARYSVILLE

By Dennis L. Kaul
MAYOR

Attest:

By [Signature]
CITY CLERK

Approved as to from:

By [Signature]
CITY ATTORNEY

Date of publication: 6/10/09
Effective Date (5 days after publication): 6/15/09

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. 2262

A RESOLUTION OF THE CITY OF MARYSVILLE AUTHORIZING A \$1,776,565.00 INTERFUND LOAN FROM THE WATER SEWER OPERATING FUND 401 TO THE PARKS CAPITAL IMPROVEMENT FUND 310, AND PROVIDING FOR PAYMENT AND A FORMULA FOR PAYMENT OF INTEREST.

WHEREAS, it was determined to seek long-term financing to fund park and recreational property; and

WHEREAS, the need for short-term financing is necessary and accordingly, establish an interfund loan from the Water Sewer Operating Fund 401 to the Park Capital Improvement Fund 310; and

WHEREAS, the Water Sewer Operating Fund 401 is able to loan the funds and will not require the loaned funds during the loan period; and

WHEREAS, interest on said loan is subject to interest imposed at a rate as set forth by the Local Government Investment Pool; and

WHEREAS, the Park Capital Improvement Fund 310 is obtaining funding by permanent financing and/or internal allocation of funds and will have the ability to repay said loan and interest when permanent funding is complete;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON AS FOLLOWS:

Section 1. Loan.

There is established an interfund loan in the amount of \$1,776,565.00 from the Water Sewer Operating Fund 401 to the Park Capital Improvement Fund 310.

Section 2. Interest.

A. The initial interest on said loan shall be set at the rate of 0.65% as set by the Local Government Investment Pool (LGIP) Anticipated Gross Earnings Rate on May 31, 2009. Found on the following web site.

<http://www.tre.wa.gov/LGIP/lgipsumm.htm#rate>

B. The interest rate shall be adjusted monthly on the last day of each month as set by the Local Government Investment Pool (LGIP) Anticipated Gross Earnings Rate. Found on the following web site.

<http://www.tre.wa.gov/LGIP/lgipsumm.htm#rate>

Section 3. Repayment.

The Loan shall be repaid with interest from the Parks Capital Improvement Fund 310 to the Water Sewer Operating Fund 401 on or before December 31, 2012.

Section 4. Severability.

If any section, sentence, clause or phrase of this resolution should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 5. Effective Date.

This resolution shall take effect immediately upon passage by the Marysville City Council.

PASSED by the City Council and APPROVED by the Mayor this 8th day of June, 2009.

CITY OF MARYSVILLE

By Dennis L Kendall
Dennis Kendall, MAYOR

Attest:

By [Signature]
CITY CLERK

Approved as to from:

By [Signature]
Grant K. Weed CITY ATTORNEY