

September 22, 2003

Marysville City Council
7:00 p.m.

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City Hall

ORIGINAL

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approval of Minutes	
Approval of September 8, 2003 City Council Meeting Minutes.	Approved
Approval of September 15, 2003 City Council Work Session Minutes.	Approved
Consent Agenda	
Approval of September 22, 2003 Claims in the Amount of \$2,429,289.00; Paid by Check No. 9931 through 10185 with Check No. 8518, 9629, and 9714 Void.	Approved
Approval of September 19, 2003 Payroll in the Amount of \$483,594.59; Paid by Check No. 11421 through 11491 with Check No. 11421 Void.	Approved
Approval of Liquor License Renewals for Allen Creek Thriftway, Inc.; R Place Pub & Grill; Hunter's Corner; Jack Pot Food Mart; Strawberry Lanes; Tacos Guaymas of Marysville; and Ichi Bento Teriyaki.	Approved
Authorize Mayor to Sign Fuel Tax Grant Distribution Agreements.	Approved
Authorize Mayor to Sign Agreement for Visiting Nurses Services (Flu Shots).	Approved
Authorize Mayor to Sign Munis Annual Database Support Agreement.	Approved
Authorize Mayor to Sign Munis Annual Support and License Agreement.	Approved
Public Hearing	
Affirm Harry's Towing Suspension.	Approved
Adopting New Cable System Regulations.	Approved Ord. No. 2489
Establishing Customer Service Standards for Cable Operators.	Approved Ord. No. 2490
Approve Renewal of Cable Franchise between the City of Marysville and Comcast.	Approved
New Business	
Approve the Professional Services Agreement with Otak.	Approved
Refer Open Meetings Matter to the Governmental Affairs Committee to Determine the Guidelines Under Which Open Meetings would be Closed.	Approved
Visitor & Community Information Center Service Agreement.	Approved
Driving Range Property Use Recommendation.	Approved
Interlocal Agreement with City of Everett for Design of Water Main in Ross Avenue.	Removed From Agenda
Interlocal Agreement with Snohomish County for Collection of New Surface Water Rates.	Approved
Miklautsch Annexation; PA 9902007 – Property Owners Notice of Intent to Commence Annexation Proceedings.	Approved
Ordinances and Resolutions	
Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Parkside Way LLC and Sharon Rockett/Robert Guetlin	Approved Ord. No. 2491
Resolution Supporting the North Marysville Regional Stormwater Detention Facility Grant Application to the Puget Sound Regional Council.	Approved Res. No. 2104

September 22, 2003

Marysville City Council
7:00 p.m.

000 10
City Hall

Staff Business	
Approve the Changes in the State Avenue Bid Amount to a Total of \$6,180,348.44 with the Management Reserve Being Reduced by \$29,207.66.	Approved
Adjournment	10:15 p.m.
Executive Session	10:22 p.m.
Discussed three pending litigation issues.	No Action Taken
Adjournment	10:37 p.m.

MARYSVILLE CITY COUNCIL MEETING

000 11

September 22, 2003

7:00 p.m.

City Hall

CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Mayor David Weiser called the September 22, 2003 meeting of the Marysville City Council to order at 7:00 p.m. He then led those present in the Pledge of Allegiance. The invocation was given by Pastor Chip Holst of First Baptist Church.

ROLL CALL

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

Council: Mayor David Weiser, Councilmembers Mike Leighan, Jon Nehring, Jeff Seibert, Suzanne Smith, John Soriano, Donna Wright, and Lisa Vares.

Staff: Robert Carden, Chief of Police; Sandy Langdon, Finance Director; Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director; Kevin Nielsen, City Engineer; Jim Ballew, Parks and Recreation Director; Randy Brower, Program Engineer – Surface Water; Larry Larson Public Works Superintendent.

COMMITTEE REPORTS

Councilmember Smith reported that at the **Finance Committee's** meeting they discussed:

- The budget was balanced before program requests.
- Budget workshops scheduled for October 14 and 16 may need to be rescheduled.
- Health benefits increased 22% and will continue to increase yearly through 2007.
- Ms. Freeman's utility issue - Staff is working on implementing a donation fund. They have contacted Monroe to see how they handle it. They hope to have a program in place by the end of the year.

Councilmember John Soriano reported that the **LEOFF I Disability Board** reviewed and approved three separate claims.

PRESENTATIONS

A. Employee Service Awards.

Judy Kirchberg, Parks and Recreation Secretary – 10 years.

Parks and Recreation Director Jim Ballew presented the award for Ms. Kirchberg. He first reviewed the performance of Ms. Kirchberg. He was extremely impressed with the fact that she has had perfect attendance for ten years. Mr. Ballew explained that Ms. Kirchberg began work with the City as a building permit clerk. She later transferred to the Parks Department to work as a secretary. She has a great attitude, loves her job and loves people. She is cheerful and efficient at performing her work. Her co-workers reported that:

- She loves turning unhappy customers into happy customers.
- She has endless energy. She loves an office full of visitors and the phone ringing off the hook.
- She is dedicated and hard-working.
- What a great lady to work with!

Louie Wilson, Public Works Dept. – 25 years.

Public Works Superintendent Larry Larson began with Mr. Wilson's history with the City. Mr. Wilson was hired in 1978 as a solid waste collector. He worked in utilities maintenance before moving to inspecting water and sewage mains. He was promoted to Equipment Operator and Lead Worker 2. Mr. Wilson has an exceptional knowledge of the utility system that enables him to deal with emergencies. He has made a long-standing commitment to Marysville with his knowledge, expertise and dedication. He moved here at a young age. He enjoys traveling with his wife, Sue. Mr. Wilson also enjoys hunting and fishing. Mr. Larson concluded by commending Mr. Wilson for the 25 years that he has served the City.

Juan Salazar, Lead Worker 1, Public Works Department – 10 years.

Public Works Director Jim Owens presented the history for Mr. Salazar. He began by stating that he was extremely hard working. He is at work early before most folks are out of bed. His crews have the best work ethic and attendance. Mr. Salazar began as a solid waste collector in 1993. His attitude and work ethic enabled his move from temporary to full-time in five months. Mr. Salazar has an above average work rate and is extremely good at customer service skills. He arrived in the U.S. in 1965. He has been married 32 wonderful years to Graciella and has three children. Mr. Salazar became a U.S. citizen in 2002. He enjoys working out and watching the Mariners. He and his wife are due to become grandparents in May. Mr. Owens congratulated Mr. Salazar for his 10 years of outstanding service.

Jim Ballew, Public Works Director – 15 years.

Chief Administrative Officer Mary Swenson reviewed some of Mr. Ballew's impressive work history. Ms. Swenson emphasized how much Mr. Ballew has changed the Parks and Recreation Department. Some of the things he has added have been: Merryville for the Holidays, after school programs, Rec. Express, sports leagues, the senior center, arts and crafts, day trips, the redesign of Cedarcrest golf course, and summer concert series. When Mr. Ballew started with the City, there were only 2 parks. Now there are 7 community parks and 11 neighborhood parks. He has earned a reputation as someone who can do a lot with a little. He and his wife Mary Ann have three boys – Ben, Jeff and Brady. Ms. Swenson said that Marysville is truly a better place because of the opportunities that Mr. Ballew has provided. Some of the things he enjoys are music, skiing and coaching soccer for his kids. Ms. Swenson congratulated him on 15 years.

B. Mayoral Proclamation: Customer Service Week.

Mayor Weiser pronounced the week of October 6 - 10 – Customer Service Week in accordance with a United States Congress proclamation that the first week should be National Customer Service Week. The purpose of National Customer Service Week is “to create a positive message that lasts all year long and to provide a productive opportunity to generate an even stronger commitment to customer service excellence”; and to salute and honor employees who dedicate themselves to customer satisfaction and company success.

AUDIENCE PARTICIPATION

Mayor Weiser solicited audience participation for any items not on the agenda. There was none.

APPROVAL OF MINUTES

A. September 8, 2003 City Council Meeting.

Motion made by Councilmember Donna Wright; seconded by Councilmember Mike Leighan to approve the minutes as presented. **Motion** passed unanimously (7-0).

B. September 15, 2003 City Council Work Session.

Councilmember John Soriano referred to the third paragraph on page 6. He commented that *Councilmember Seibert* should read *Councilmember Soriano*.

Finance Director Sandy Langdon referred to the second paragraph from the bottom of page 5, which should begin with *Ms. Langdon*, not *Ms. Swenson*.

Motion made by Councilmember Jeff Seibert, seconded by Councilmember John Soriano to approve the minutes as amended. **Motion** passed unanimously (7-0).

CONSENT AGENDA

There were no comments regarding the consent agenda from the audience or from Council. **Motion** made by Councilmember John Soriano, seconded by Councilmember Suzanne Smith to approve consent agenda items A-G as presented. **Motion** passed unanimously (7-0).

- A. Approval of September 22, 2003 Claims in the Amount of \$2,429,289.00; Paid by Check No. 9931 through 10185 with Check No. 8518, 9629, and 9714 Void.**
- B. Approval of September 19, 2003 Payroll in the Amount of \$483,594.59; Paid by Check No. 11421 through 11491 with Check No. 11421 Void.**
- C. Approval of Liquor License Renewals for Allen Creek Thriftway, Inc.; R Place Pub & Grill; Hunter's Corner; Jack Pot Food Mart; Strawberry Lanes; Tacos Guaymas of Marysville; and Ichi Bento Teriyaki.**
- D. Authorize Mayor to Sign Fuel Tax Grant Distribution Agreements.**
- E. Authorize Mayor to Sign Agreement for Visiting Nurses Services (Flu Shots).**
- F. Authorize Mayor to Sign Munis Annual Database Support Agreement.**
- G. Authorize Mayor to Sign Munis Annual Support and License Agreement.**

PUBLIC HEARINGS

- A. Harry's Towing Suspension Appeal; continued from September 15, 2003.**

City Attorney Grant Weed reported that city staff and counsel had met with Harry's Towing attorney, Mr. Bruce Galloway and they are working through some of the issues discussed at the last hearing.

Bruce Galloway, 12101 North Lakeshore Drive, Lake Stevens, WA 98258.

Mr. Galloway explained that they are asking for a continuance on the hearing. There is a possibility that the City and the business of Harry's Towing may be able to come to an agreement. They have been able to meet with city representatives to determine the options available. They are asking for two weeks to do additional survey and biological work to determine the fence setbacks and other mitigation. This might be followed by a second 2-week continuance in order to finish the plan. They hope to bring an agreement forward that would be acceptable to his client and to the City. Mr. Galloway explained how they hope to get the zoning matters taken care of in order to be able to renew the business license.

Grant Weed commented that Community Development Director Gloria Hirashima was in favor of giving the two weeks in order to come up with a plan. Mr. Weed agreed that some constructive progress has been made.

Discussion

Councilmember Mike Leighan said that on May 29, 2003 a letter from the City gave a 60-day time window to bring things into compliance. This situation currently far exceeds that time limit. Mr. Galloway responded that there were circumstances that had extended the 60-days. They ran into an issue that has brought them to this point. He stated that they have been trying in good faith to work with each other and want to continue that.

Councilmember Jeff Seibert asked if this would mean they were re-negotiating the SEPA determination. Gloria Hirashima replied that they might need to re-issue the SEPA determination. She explained that they are discussing a buffer along the stream and discussing moving the fence. Mr. Galloway added that there were some additional items of mitigation that could be done. Councilmember Seibert had concerns with re-issuing the SEPA determination. He felt this was setting a poor precedent. Ms. Hirashima agreed that these were unique circumstances. She added that they were just trying to resolve this situation. Mr. Weed stated that it was lawful to go back in to amend the SEPA determination although this is unusual. They will still operate within the code with regard to the buffer.

Councilmember Leighan asked if it would be possible to find a finding in the hearing and suspend it for two weeks. Mr. Weed replied the code does not specify how Council must fashion its decision. Council needs to stay focused on the issue at hand of deciding whether to affirm the police department's decision to suspend Harry's Towing. Councilmember Lisa Vares commented on the number of delays and the extended timeframe of this matter.

Motion made by Councilmember Lisa Vares; seconded by Councilmember Mike Leighan to affirm the police department's 30-day suspension of Harry's Towing from the city's call list. **Motion** passed 5-2 with Councilmembers John Soriano and Jon Nehring voting against.

B. Ordinance Repealing Chapter 5.68 of the Marysville Municipal Code and Adopting New Cable System Regulations.

Mary Swenson explained that this was the result of months of negotiations by the City, Comcast and the negotiator, Bob Duchen. Doug Buell was also very involved in this.

Bob Duchen, River Oaks Communications Corporation, 6860 S. Yosemite Ct., Suite 200, Englewood, CO 80112.

Mr. Duchen explained that they were presenting a new set of cable regulations, a new set of standards and a renewal of the cable franchise. He briefly reviewed each one. The

regulations update what is currently on the books providing more uniformity. The Customer Service Standards encourage accountability on the part of Comcast. They were crafted to ensure the accountability on the part of the operators. The franchise renewal agreement establishes a non-exclusive franchise, has broad definition of terms and contains many protections and benefits to the community. Some of the benefits to the community include a voluntary initiative to provide Cable Internet Service to all K-12 schools and public libraries at no cost, an Educational Access Channel, and capital contributions to access channel equipment needs and construction of a fiber optics-based Institutional Network (I-Net). Mr. Duchen concluded that staff is to be commended on their hard work. He also thanked Comcast for listening and negotiating.

Councilmember Jon Nehring referred to citizens' concerns about selection of channels, customer service, and a segment of the population that cannot get high-speed cable. Mr. Duchen first responded to the programming issue. He said that the City cannot dictate the channels, but that there would be an upgrade of the current cable system to a minimum capacity of 200 channels. He said the customer service issues were covered in the Customer Service Standards. As far as the high-speed internet issues, he said that this is not technically a cable service, but that Comcast has indicated they are willing to provide it to certain areas of the City.

Janet Turpin, Executive Director of Franchising, Comcast, 15923-67th Lane NE, Kenmore.

Ms. Turpin explained that high-speed data service will be delivered to all upgraded areas in Marysville once completed. There was discussion about the channels that will be available.

Councilmember Donna Wright asked about definitions for the City of Marysville. She asked if Comcast would provide the service for all areas in the City. Ms. Turpin explained that there are density requirements in the franchise agreement. There needs to be a certain number of homes to be able to provide the service, but otherwise the entire City would be covered.

Councilmember Smith referred to the upgrades. She asked how they would go about laying the lines. Ms. Turpin explained how they would overlay fiber into all the neighborhoods.

Councilmember Jeff Seibert referred to the Customer Service Standards. Page 5 discusses the event of a failure. He thought the issue of a refund ought to be addressed more clearly. Ms. Turpin replied that they do provide credits when a customer calls. Mr. Seibert said he didn't agree that a customer should have to ask in order to receive a credit. He would like it to be automatically credited to the customer. Ms. Turpin explained that it was difficult to know who was out of service unless they called.

Mr. Seibert then referred to page 10 dealing with complaints to the City if subscribers are not pleased with the service received from Comcast. He asked how this information would

be made known to subscribers. Ms. Turpin explained that this information is already included in the bill and in the installation packet. Ms. Swenson added that they could make it known via the newsletter. Doug Buell commented that the website and the community channels could also be utilized. Councilmember Soriano asked who the City contact was. Ms. Swenson said that the complaints would generally go through Doug Buell, but occasionally she will handle the calls. Councilmember Soriano asked about the source of the Customer Service Standards. Mr. Duchen explained that it was from the FCC and has been used in other cities.

Councilmember Seibert then referred to page 5, section 1.32 regarding schools. He asked if higher education facilities would also apply. Mr. Duchen replied that any state accredited institution would apply.

Councilmember Jon Nehring asked about the term of the agreement. Mr. Duchen explained that it was an 8-year agreement with an additional 3 years if the upgrades are completed on time.

Public Comment:

Dorothy Stanton, 5900 – 64th Street NE, Unit #8, Marysville, WA 98270.

Ms. Stanton commented that she had intended to speak to the issue of the renewal of the cable franchise, but she felt her question had already been answered. She said she lives in the south end of the City and does not get the Public Access Channel 29. She was hopeful that she would have it by the end of the year.

Discussion:

Councilmember Nehring asked about the significant length of time that has gone into the negotiations. He asked about the benefit to the citizens. Mr. Buell explained that there had been a merger between AT&T and Comcast in the midst of the negotiations, but that this timeframe is not excessive for cable negotiations. He added that Comcast has several dozen franchises with which they are currently negotiating. Mary Swenson said that the FCC rules change all the time and they cannot keep up without the assistance of a negotiator.

Motion made by Councilmember Leighan, seconded by Councilmember Suzanne Smith to approve Ordinance No. 2489. **Motion** passed unanimously (7-0).

C. An Ordinance Establishing Customer Service Standards for Cable Operators.

Councilmember Seibert referred to page 5, #5, under Problem Resolution. He requested the insertion of "shall refund ~~when asked for~~" when a person calls in regarding an outage. Ms. Turpin agreed to this on behalf of Comcast.

CORRECTED:	SEE	10-13-03
MINUTES		delete

Motion by Councilmember Seibert, seconded by Councilmember Vares to adopt Ordinance No. 2490 with the change to page 5, number 5- Problem Resolution to read: "A Customer Service Representative shall have the authority *and shall* provide credits..."
Motion passed unanimously (7-0).

D. Renewal of Cable Franchise between the City of Marysville and Comcast Corporation.

Motion made by Councilmember Wright, seconded by Councilmember Leighan to renew the franchise. **Motion** passed unanimously (7-0).

Mary Swenson thanked Mr. Duchen and Ms. Turpin for the work they had done. She also thanked Doug Buell and Marc Renner who spent time on the technical part of this.

NEW BUSINESS

A. North Marysville Area Regional Detention Facility Design and North Marysville Master Drainage Basin Plan.

Public Works Director Jim Owens began by stating that they recognize the importance of solving surface water drainage issues in the north end.

City Engineer Kevin Nielsen then reviewed the projects:

Phase I – Project 1(MDB Plan)	= \$300,000
Phase I – Project 2 (Fast Track Pond)	= \$669,950
Total Phase I – Projects 1 & 2	= \$969,950

Councilmember Smith stated that she was not ready to make a decision tonight as she had only just received the information. Mr. Nielsen continued that this is in response to Council's motion to make things happen. These are the same concepts brought forward previously.

Councilmember Seibert asked about funding. Mr. Nielsen replied that they are looking for different funding options. It could be funded out of rates right now, but different ponds will need to find alternate sources. Councilmember Seibert stated that he wants to make sure that there is enough funding to complete the project. He asked if some of the money was already budgeted. Mr. Nielsen indicated that it was. Councilmember Seibert asked about county funding. Mr. Nielsen referred to the interlocal agreement with Arlington and Snohomish County for the basin area. Mary Swenson also referred to a potential \$500,000 grant from the Puget Sound Regional Council. She stated that they are also working with property owners in the area.

- Councilmember Wright noted that they have stated as a Council that they want this to move forward. She was in favor of going ahead with this as fast as possible.
- Councilmember Vares stated that she was not in favor of this initially, but after learning more about it she is very excited about it.

- Councilmember Mike Leighan commented that it was almost a million dollar commitment brought to Council right before the meeting, but he was in support of approving this.
- Councilmember Seibert asked if this would adversely affect any other CIP plans. Mr. Nielsen indicated that it would not because they had planned for it.
- Councilmember Nehring said he liked the idea of the \$40,000 incentive. He asked how they arrived at that number. Randy Brower explained how that had come about as a result of negotiations with Otak.

Motion made by Councilmember Vares, seconded by Councilmember Leighan to approve the Professional Services Agreement with Otak. **Motion** passed 6-1 with Councilmember Smith voting against.

Recess from 9:03 to 9:08 p.m. The meeting resumed at 9:08 p.m.

B. Open Meetings for Committees.

Mayor Weiser reviewed the results found by City Clerk Gerry Becker who solicited information about this from other cities. Councilmember Nehring asked if sensitive matters could be taken into executive session at the committee level. City Attorney Grant Weed replied that it would be necessary to determine if those committees were required to be under the Open Public Meetings Act. For every committee, he stated, some analysis needs to be done to decide whether it is subject to the Open Public Meetings Act. Then they can decide whether it is optional or required.

Councilmember Smith suggested making it policy that sensitive matters be set aside and not open to the public. Mr. Weed said they could if the meeting was not subject to the Open Public Meetings Acts. If it is subject to the act then they must meet the criteria for executive sessions.

Mayor Weiser commented that from time to time committees meet in small rooms. This would need to be accommodated.

Scott Frank, Marysville Globe, 8213A State Avenue, Marysville, WA 98270

Mr. Frank commended the Council for considering this. He said that the *problem* of too many people in attendance would be a good thing. He stated that saying they were "going out of public meeting for these reasons" would be acceptable to the public. He urged them to consider this. Councilmember Seibert asked how much impact Mr. Frank thought this would have. He replied that it probably would not have much except in certain cases that the City will know in advance.

Councilmember Leighan suggested referring this to the Governmental Affairs committee to develop guidelines for the committees.

Motion made by Councilmember Smith to open all meetings to the public reserving those instances where there is sensitive information as defined by staff members who are running the meeting. Mayor Weiser had concerns that there were no criteria to decide when items are sensitive. He commented that many of the meetings would be closed. Councilmember Nehring suggested the members of the committee could vote on whether or not to close the meeting – a vote of the committee. Councilmember Wright was in favor of sending this to Governmental Affairs. Councilmember Soriano agreed that they should come up with criteria to run past the city attorney.

Motion by Councilmember Smith, seconded by Councilmember Nehring to open the five committees to the public in general; to be posted; and when topics of a sensitive nature arise the chairman can close the meeting with a vote of the committee. **Motion** failed 3-4 with Councilmembers Leighan, Soriano, Wright and Vares voting against.

Motion made by Councilmember Leighan, seconded by Councilmember Wright to refer this to the Governmental Affairs committee to determine by the November 3 meeting the guidelines under which they would be closed. **Motion** passed unanimously (7-0).

C. Visitor & Community Information Center Service Agreement.

Gary Baker, Chairman of the Board of Marysville-Tulalip Chamber of Commerce, 1902 Grove Street.

Mr. Baker informed Council that the Chamber has responded to over 18,000 requests for information on the area this year from tourists, residents, and new businesses. He referred to the Snohomish County News Bureau's newsletter that tracks visitors to various information centers around the County. The Marysville-Tulalip Chamber outperformed all other county visitor information centers except the Boeing tour center. They are asking for an ongoing commitment to the center. Mr. Baker stated that the chamber's leadership has made fostering economic growth a major priority. He commended the City for taking action on the Gardner Johnson economic survey.

Mary Swenson commented that the addition distributed at last week's work session was included in this.

Councilmember Smith stated that she had concerns about the website issue and that city dollars should represent all citizens in Marysville, not just chamber members. Mr. Baker replied that there was no policy to refer only to chamber members. They will refer to all businesses. He then explained that the website is still under construction, but this has been given priority.

Zoe Hallgren, 771- 59th Avenue NE, Marysville

Ms. Hallgren volunteers at the Chamber on Wednesday mornings. She said that the phone rings constantly. For referrals, they access the city list of business listings, the chamber list and the yellow pages.

Mary Swenson explained that they regularly provide the Chamber with listings of new businesses. There is an effort to merge the two lists (City and Chamber) together. They hope to be completed with this within a month. Ms. Smith asked when the website would be completed. Mr. Baker hopes it will be by the beginning of the year.

Motion made by Councilmember Nehring; seconded by Councilmember Seibert to approve the agreement including Exhibit A – Scope of Work with the liaison of Mary Swenson. **Motion** passed unanimously (7-0).

D. Driving Range Property Use Recommendation.

Jim Ballew explained the plan for the interim use of the driving range. He said he had discussed the possibility of doing this in-house with Larry Larson, but Mr. Larson felt that this could not be done in a timely manner. Mr. Ballew had discussed with Mary Swenson the possibility of using residual funds received from the Jennings Park maintenance building restitution settlement. He reviewed the proposed demolition budget which totaled \$15,845.

- Mary Swenson added that they are putting out a letter to the residents of the area letting them know what is happening. Councilmember Leighan suggested that all the people who had participated in the planning meetings be notified.
- Jim Owens commented that the contractor would be ready to begin in 7-10 days if approved.
- Mayor Weiser asked about a comment on the roof of the north wing. Mr. Ballew explained what had been meant. There was discussion about the structural stability of the south wing if rear wall panels are removed.
- Councilmember Seibert asked where the excess funds had come from. Mr. Ballew explained that they had hoped to transfer that to Strawberry Fields funds, but it hadn't been identified for a purpose. Councilmember Seibert suggested using the back gate so it would not wreck the field. Mr. Ballew was in agreement.
- Councilmember Soriano asked about getting the word out to programs. Mr. Ballew indicated that this would not be a problem as he has several that are waiting to hear from him.

Motion by Councilmember Leighan, seconded by Councilmember Smith to approve the driving range property use recommendation with the budget as presented by Mr. Ballew and that notice be sent out to property owners of record concerning the use of the driving range. **Motion** passed unanimously (7-0).

E. Interlocal Agreement with City of Everett for Design of Water Main in Ross Avenue.

This item was removed from the agenda.

F. Interlocal Agreement with Snohomish County for Collection of New Surface Water Rates.

Finance Director Sandy Langdon explained that the County would collect the surface water fees and remit them to the City on a quarterly basis until 2006.

Motion by Councilmember Leighan, seconded by Councilmember Seibert to approve the interlocal agreement with Snohomish County for collection of new surface water rates.

Motion passed unanimously (7-0).

G. Miklautsch Annexation; PA 9902007.

Community Development Director Gloria Hirashima explained that this was a Notice of Intention to Commence with Annexation Proceedings filed by Joseph Miklautsch. Staff is recommending acceptance, with the assumption of bonded indebtedness by properties within the annexation, assignment of comprehensive plan designation to the annexed area, and assignment of zoning to the annexed area.

Motion made by Councilmember Seibert, seconded by Councilmember Leighan to accept the Property Owners Notice of Intent to Commence Annexation Proceedings. **Motion** passed unanimously (7-0).

ORDINANCES AND RESOLUTIONS

A. An Ordinance of the City of Marysville, Washington Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Parkside Way LLC and Sharon Rockett/Robert Guetlin Amending the Official Zoning Map of the City.

Motion made by Councilmember Wright, seconded by Councilmember Nehring to adopt Ordinance No. 2491. **Motion** passed unanimously (7-0).

B. Resolution Supporting the North Marysville Regional Stormwater Detention Facility Grant Application to the Puget Sound Regional Council.

Mary Swenson explained that this would show Council's support and would help in the grant process.

Motion made by Councilmember Leighan, seconded by Councilmember Nehring to approve Resolution No. 2104. **Motion** passed unanimously (7-0).

INFORMATION ITEMS

A. Mayor's Business.

None.

B. Staff Business.

Sandy Langdon noted the need to reschedule the October 16 budget workshop because of a scheduling conflict. There was consensus to change the meeting dates to October 9 from 5-8 p.m. and October 14 at 5:30 p.m.

Mary Swenson commented that she really appreciated the service awards. She was pleased that more employees were now attending the meetings to receive the awards. She said the U.S.S. Ingraham homecoming was well done. She thanked all who participated. Finally, she mentioned that there might be some activity in the community tomorrow. A large student rally had been scheduled at the service center at 10 a.m. The students' intent is to show that they want to be back in school.

Grant Weed had no comment.

Gloria Hirashima had several items to report:

- The County Council has passed a countywide policy plan for growth management. Governor Locke has appealed this. They will be following this matter.
- County Council recently took final action on a policy plan. It is very likely that appeals will be filed on this as well.
- There was a SEPA threshold decision for the Hewlett Packard site, which affects the Marysville road system. This is not in the traffic service area and is not subject to any kind of mitigation. Marysville will very likely appeal the determination. She stated that some sort of mitigation ought to be provided to the City.
- County Council is having a lot-size averaging meeting on September 24 at the Snohomish County Hearing Room.

Jim Owens said he had good news and bad news. The good news is that TIB awarded an extra amount to the project. The bad news is that after award of the contract there was discussion of the sales tax. Schedule C involved electric utilities, which could be interpreted either way. The sales tax would be \$29,207.66.

Motion made by Councilmember Wright, seconded by Councilmember Smith to approve the changes in the State Avenue bid amount to a total of \$6,180,348.44 with the management reserve being reduced by \$29,207.66. **Motion** passed unanimously (7-0).

C. Call on Councilmembers.

Suzanne Smith asked about getting the sub-committee minutes to the mayoral candidates. Mary Swenson indicated that they would take care of that.

John Soriano commented that the repaving on Grove Street looks nice.

Jon Nehring asked if anyone had responded to Ed Moh's trash issue on Beach Avenue. Mayor Weiser indicated that it was being handled. Mr. Nehring also asked if committee chairs could e-mail notices before meetings.

Jeff Seibert asked about the governmental affairs meeting on the pro/con. Ms. Swenson indicated it was not needed. Mr. Seibert then commented that he appreciated the ride on the tug at the U.S.S. Ingraham homecoming. He thanked whoever arranged that. He then indicated that he had a question for Kevin Nielsen regarding stream testing water quality.

Donna Wright had no comment.

Lisa Vares had no comment.

ADJOURNMENT

Seeing no further business, the meeting adjourned at 10:15 p.m. There were three pending litigation items scheduled for Executive Session.

EXECUTIVE SESSION

Council met in Executive Session at 10:22 p.m., discussed three pending litigation items, and adjourned at 10:37 p.m. with no further action taken.

Approved this 13th day of October, 2003.

David Weiser
Mayor
David Weiser

Gerry Becker
City Clerk
Gerry Becker

Laurie Hugdahl
Recording Secretary
Laurie Hugdahl

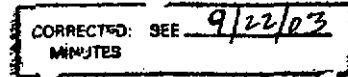
ORIGINAL

MARYSVILLE CITY COUNCIL WORK SESSION

September 15, 2003

7:00 p.m.

City Hall



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EXECUTIVE SESSION

The Executive Session was held at 6:04 p.m. to discuss a pending, potential litigation matter. The Executive Session adjourned at 6:55 p.m. with no action taken.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

The Regular Session of the Marysville City Council Work Session was called to order at 7:03 p.m. Mayor David Weiser led those present in the Pledge of Allegiance. Mayor Weiser dispensed with the invocation as there was no pastor present.

ROLL CALL

Finance Director Sandy Langdon called the roll. The following councilmembers and staff members were in attendance:

Council: Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers Jon Nehring, Jeff Seibert, Suzanne Smith, John Soriano, Donna Wright, and Lisa Vares.

Staff: Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Gloria Hirashima, Community Development Director; Kevin Nielsen, City Engineer; Jeff Massie, Assistant City Engineer; Chris Holland, Senior Planner; Jim Owens, Public Works Director; Jim Ballew, Parks and Recreation Director; and Doug Buell, Community Information Officer.

COMMITTEE REPORTS

Councilmember Mike Leighan noted that he attended a **Strawberry Festival Barbeque** where he was awarded a sponsoring plaque. He presented it to Mayor Weiser.

Councilmember Lisa Vares said she attended a **Public Works Committee** meeting where they discussed single stream recycling, which will be going into effect in February. They also received an update on storm water.

Councilmember Vares stated that she attended the **Business Retention and Attraction** meeting where they decided to do NGT (Normal Growth Technique) to focus on goals.

Ms. Vares informed Council that they would be **welcoming back the U.S.S. Ingraham** on Friday, September 19. It is expected to arrive mid-morning. King 5 TV will be present. They will be distributing gift bags. The City also has plans to honor the sailors at Merrysville for the Holidays. Councilmembers Vares and Wright commended the hard work put forth on such short notice by Jim Ballew, Doug Buell, and the Navy League.

ACTION ITEMS

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A. Public Hearing: Harry's Towing Suspension Appeal; continued from September 8, 2003.

City Attorney Grant Weed updated the Council on the Harry's Towing Appeal. He said that since the close of the hearing last week there have been some issues that needed to be discussed. Legal counsel from Harry's Towing wanted sufficient time to respond and discuss a settlement. Both legal counsel for Harry's Towing and City Attorney Weed are requesting a postponement of the hearing for one week.

Motion by Councilmember Jeff Seibert; seconded by Councilmember Donna Wright to continue the hearing of Harry's Towing Suspension Appeal for one week until September 22. **Motion** passed 6-1 with Councilmember Mike Leighan voting against.

B. Pro/Con Committee Selection for Lakewood Annexation.

Chief Administrative Officer Mary Swenson explained that they had advertised for members of the committee and only received one response – a pro statement by Joel Hylback. There was discussion about approving Mr. Hylback or delegating this to Governmental Affairs Committee for selection of the committee. Mary Swenson added that action was needed tonight because of the deadline.

Councilmember Seibert had concerns about why this wasn't advertised sooner in order to have the opportunity to have someone on the con side. Ms. Swenson was not sure. She said it was not uncommon to only have a pro side. There was discussion about whether this would affect the validity of this process. Mr. Weed did not believe it would pose a problem.

Councilmember Donna Wright suggested that the Governmental Affairs Committee could have a phone poll. She was comfortable with delegating this to them.

Councilmember Seibert was uncomfortable with the appearance of illegitimacy in not allowing more time. He stated that he really wants this to go through and doesn't want any mistakes. He was comfortable with allowing more time and having a special meeting of the Council later in the week if necessary adding that a special meeting would only be necessary if there were more than three applicants for either statement.

Councilmember Wright asked if they could at least approve the one applicant they had. Mr. Weed explained that they could, but if they had three or more others they might be prohibited from choosing someone else.

Councilmember Leighan asked if a larger group could be involved in writing the statements. Mr. Weed said they could, but only three names would be on the statement. Mr. Leighan commented that he was disappointed there wasn't more notice of this too, but he felt comfortable delegating this.

Motion by Councilmember Seibert to set a deadline for Friday the 19th at noon for anyone to apply for Pro or Con. If more than three there would be a special meeting of Council.

Mr. Weed explained that these types of tasks are generally allowed to be delegated as long as Council takes action to delegate them. Councilmember Nehring also suggested a phone poll. Mr. Weed had concerns about whether that would constitute a legitimate meeting.

Motion withdrawn by Councilmember Seibert.

Councilmember Seibert suggested that he applicants decide amongst themselves who would be signing the statements. Mr. Weed suggested that the Council would not be selecting the committee if they are self-appointing.

Motion made by Councilmember Vares; seconded by Councilmember Wright to extend the deadline for application to noon on September 18 and to authorize the Governmental Affairs Committee to select members of the committee if necessary. **Motion** passed 6-1 with Councilmember Seibert voting against.

DISCUSSION ITEMS

A. Open Meetings for Committees.

Chief Administrative Officer Swenson explained that this issue was brought forth by request of the Council. She stated that currently committee meetings are not advertised to the public. She said there is no formal policy regarding committee meetings. They have only had two requests to attend the Public Works Committee and that was by developers. They were told they could not attend because it would not be appropriate.

- Councilmember Jon Nehring stated that he was in support of allowing citizens to attend, but he was interested in hearing what the other councilmembers had to say.
- Councilmember Seibert commented that Public Works does discuss land use issues and other items that are not appropriate for public comment.
- Mayor Weiser commented that all of the committees under discussion are recommending committees.
- Councilmember Wright wondered if they would have to be advertised. She had concerns about the added expense. Mr. Weed explained that they needed to decide if

it would be a matter of general policy that people could attend. If they are subject to the Open Public Meetings Act then there would be requirements such as proper notice, minute-taking, etc. He added that some of the committees are not sub-agencies of the Council, but merely advisory committees. They would not be subject to the Act.

- Councilmember Nehring said they would not be opening up anything that would need advertising or minute-taking if it is not already required.
- Councilmember Smith stated she was in favor of the meetings being open.
- Councilmember Leighan had concerns about legal difficulties if discussion about sensitive matters occurs. Mr. Weed agreed that there would be a greater likelihood of legal issues as the City's exposure increases.
- Councilmember Smith asked about having executive sessions for sensitive matters. Mr. Weed responded that there are very clear definitions for when you can have an executive session. There must be a specific potential litigation issue.
- Councilmember Wright referred to page 5 of the Open Public Meetings Act handout – What is a Meeting? She wondered if a meeting would actually be considered a meeting if no action is taken. Mr. Weed explained that action is a broad term. He stated the need to understand whether the meetings fall under the Open Public Meetings Act. He suggested evaluating committees on a case-by-case basis.
- Councilmember Smith suggested using a reader board to notify the public.
- Public Works, Public Safety, and Governmental Affairs Committees are some that were discussed as having potential issues.
- Councilmember Leighan suggested contacting Everett and Arlington to see how they are dealing with sensitive issues.
- Mayor Weiser commented that he had been at a meeting with nine different cities on Thursday. None of them advertise committee meetings. They aren't open or closed, but simply do not have a policy.
- Mary Swenson commented that the new mayor might not choose to work under a committee format.
- Councilmember Smith stated that she thinks people have every right to be there even though it may take more staff scrutiny to weed out potential litigation issues and more executive sessions for Council.

B. Visitor & Community Information Center Service Agreement

Mary Swenson distributed language worked out by her and the Chamber today in conjunction with Governmental Affairs. She said that she and the Chamber president are planning to meet regularly in order to determine if things are working.

Councilmember Seibert asked about the term of the agreement. He had concerns that there was no provision for termination or extension. Mr. Weed suggested saying that either party could cancel if dissatisfied within the one-year period. Ms. Swenson stated that she felt a year was a good amount of time to determine if things were working.

Councilmember Leighan commented that it would have been nice to be able discuss this at the Governmental Affairs Committee. He brought up the number of relocation requests that the Chamber has fielded. He discussed some problems with the chamber's web page. He also mentioned that the Chamber closed a position at their office which the City is now supplementing. Ms. Swenson commented that they are also discussing improving their web page.

Councilmember Suzanne Smith had issues with the referrals. She felt it should be all Marysville businesses and not just chamber members. She did not believe that would be an appropriate utilization of city monies. She also suggested creating a simple Marysville-only directory which could be categorized by subject with no advertising. Ms. Swenson commented that one of Business Retention and Attraction's goals is to merge the city's business information with the chamber's database.

CORRECTED: SEE 9/22/03
MINUTES BY MS. LANGDON

Councilmember Leighan commented that the Chamber is trying to be both a chamber and a Visitor Information Center and there are difficulties associated with this.

C. 2003 Budget Update.

Finance Director Sandy Langdon gave a brief summary of the budget status as of July 2003. She reviewed the Expenditure Status Report. She then distributed copies of the Administrative Summary of General Government which showed the status of basic expenditures and revenues. There was discussion about projected year-end balances. Ms. Langdon then reviewed the major revenue categories including: Total General Government; Property Tax; Sales Tax; Business Tax; Gambling Tax; Construction Tax; Other Licenses and Permits; Grants; State Revenues; Service Charges; Fines & Forfeits; and Miscellaneous Revenues. Next she reviewed the totals for the major expense categories including: Total General Government; City Council; Municipal Court; Executive Department; General Finance; Legal Services; General - Community Development; General - Police; General - Fire; General - Park; General - Engineering; General - Library; General - Public Safety Facilities; and General - Non-departmental. There were no questions.

Ms. Swenson then discussed the Administrative Summary for the Golf Course. She reviewed revenues and expenses. She said their year-end goal was to be at \$100,000 and it looked like they would be close to that. She outlined the revenue and expense details month by month. Revenue areas included: Total Golf Revenue; Green Fees; Investment Interest; Leases; Misc. Revenue; Fees and Charges - Carts; Concession; Membership Fees; Operating Transfers; Sale of Merchandise; Tournament Green Fees; Rental Sales - Motorized Carts; and Lessons. Expenses included: Administrative; Maintenance; Pro-Shop; Debt Service - Interest & Costs; Golf Capital Outlay; and Operating Transfers.

Finally Ms. Langdon went over the Budget Process for 2004 and discussed where they were in the process. Council's Budget Workshops were scheduled for Tuesday, October 14 at 5:30 p.m. and Thursday, October 16 at 5:00 p.m.

Marysville City Council

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D. Driving Range Property Use Recommendation.

Mr. Ballew reported that the recommendation was based on a proposal from Facilities meetings. The proposal would be to use the driving range as a neighborhood park facility. The building would be turned into a community use room. The side wings would be torn down to reduce vandalism costs.

Councilmember Leighan asked if the destruction could be done in-house. Mr. Ballew stated that it would take longer to do it in-house. There is a possibility that they might have a backhoe donated. If so, they would need a licensed driver to operate it.

Councilmember Seibert suggested partnering with an organization like Little League in order to have them provide the equipment. Mr. Ballew explained that it is under consideration. Councilmember Seibert then asked about restrooms. Mr. Ballew stated that there are inside restrooms for the use of the community room patrons, but there would be Sani-cans for program use.

There was discussion about the costs for improvements. Mr. Ballew estimated that it would cost \$25,000 for the whole project.

NEW BUSINESS

A. 2003 Budget Amendments.

Draft Transportation Element

Assistant City Engineer Jeff Massie introduced Mike Pawlak of Bucher Willis and Ratliff and Ron Loewen of Jones and Stokes as the consultants for the Draft Transportation Element. Mr. Massie stated that staff is recommending approval of the Plan.

Mr. Loewen reviewed the purpose of the Transportation Element. He stated that the current goals and objectives were developed awhile ago. The proposed ones are extensive and go far beyond the current goals and objectives. Mr. Loewen went through the Plan highlighting the key elements. He stated that in Section 1 the Plan began by doing an analysis of where the City currently is. On page 49 he referred to the Level of Service (LOS) and said this has to do with highway capacity in order to analyze the functioning of intersections. He said the City is currently as a LOS D for signalized intersections. There are currently no failures.

He then stated that concurrency units needed to be defined. They defined the segments as:

1. 528 as it passes through the City.
2. State Avenue as it passes through the City.

CORRECTED
MINUTES
9/22/03
s/b Soriano

3. 67th Street from City Limit to City Limit.

The segments are fine for now, but they foresee problems in the future. He discussed traffic accident data from the State Patrol and stated that the rate of accidents is good. Next he tried to forecast volumes in the future. They developed a model taking into account numerous factors. They chose the highest probable conditions in order to show the worst case scenario. The P.M. Peak Hour showed problem areas in the 20-year scenario. There were 4 intersections that failed. A number of intersections that were not signalized had a high LOS.

On page 85 the transportation improvements suggestions are listed. They also did a subjective rating of the projects. Page 87, Chapter 5 shows the recommended plan.

1. LOS standards can be tweaked - can measure at intersections that are not signalized.
2. Major LOS problems on State Avenue – Suggested averaging the whole route so one intersection may have congestions, but overall speed can still be reasonable.
3. Exempt certain areas from LOS standards.

He suggested focusing on improving the north-south corridors and taking traffic off State Avenue. Mr. Loewen then reviewed the 20-year Recommended Plan Improvements and the Summary of Project Expenditures for the 20-year Recommended Plan. On page 120 he outlined the Estimated 20-year Revenue.

Councilmember Soriano asked if the bus systems and mass transit were factored in. Mr. Loewen said they were not. The traffic model was based on the number of vehicles. There were no further questions. The Mayor thanked Mr. Loewen for coming.

2003 Budget Amendments

Finance Director Langdon then discussed the 2003 Budget Amendments.

Councilmember Leighan asked at what point they come back on a per item basis. There was some discussion on this. Mr. Leighan suggested an accompanying budget amendment with each added expense.

Councilmember Smith said the format was confusing to her. She'd appreciate more information accompanying each item instead of a blanket approval. There was also discussion about reviewing the amendments on a quarterly basis.

Councilmember Leighan had concerns about big swings in the budget. He had an issue with such a large figure as one amendment. Ms. Langdon suggested that next week she could provide a request for each department with more information. There was general consensus that this would be helpful.

Councilmember Seibert had questions about the different reserve funds. Ms. Langdon explained there is only one General Fund Reserve Fund, but that each department also has reserve funds.

Councilmember Wright said she appreciated the format. It was clear to her where the revenue is coming in and easier to understand than the past.

Councilmember Nehring asked if the Facilities Study amount of \$20,000 was the approved amount. Ms. Swenson indicated that it was. Mr. Nehring then mentioned discussion about medical insurance.

ADJOURNMENT

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

Approved this 22nd day of September, 2003.

David Weiser
Mayor
David Weiser

Gerry Becker
City Clerk
Gerry Becker

Laurie Hugdahl
Recording Secretary
Laurie Hugdahl