

July 10, 2006

Marysville City Council
7:00 p.m.

000220
ORIGINAL City Hall

Call to Order/Invocation/Pledge of Allegiance	7:00 P.M.
Roll Call	
Approval of Minutes	
Consent Agenda	
Approve June 21, 2006 Claims in the Amount of \$319,729.08; Paid by Check No. 31610 through 31745 with Check No. 30762 and 31609 Void.	Approved
Approve June 28, 2006 Claims in the Amount of \$217,800.79; Paid by Check No. 31746 through 31953 with Check No. 8542, and 31643 Void.	Approved
Approve Liquor License Renewals for El Rinconcito (202 State Avenue); Grove Street Market (5931 Grove Street #B); Don Jaime's Tienda (514 State Avenue, Suite B); Applebee's Neighborhood Bar & Grill (3702 88th Street NE); and Cedar Crest Family Restaurant & Grill (6810-84th Street NE).	Approved
Approve New Liquor License for Albertson's #412 (11401 Smokey Point Boulevard Suite 101) and Albertson's #471 (301 Marysville Mall).	Approved
Approve Liquor License Application for Cristiano's Pizza Etc. (1206 State Avenue, Suite G).	Approved
Approve Application for Marysville Downtown Merchants Association to Conduct a Special Event on August 11 and August 12, 2006 as Requested Including Street Closure of 3rd Street between State Avenue and Alder Avenue, as well as Street Closure of Alley between 3rd Street and 4th Street.	Approved
Authorize Mayor to Sign Interlocal Agreement with Snohomish County to License a Portion of Facilities Associated with Hosting the NSA 2006 Girls Fast Pitch World Series Tournament.	Approved
Review Bids	
Award Bid for 2006 Solid Waste Containers Purchase to Capital Industries.	Approved
Award Bid for North 240 Zone 3M Gallon Reservoir & Transmission Main to T. Bailey, Inc.	Approved
Public Hearings	
Approve First Assembly of God Annexation; PA 05031.	Approved
Approve Frondorf Annexation; PA 05042.	Approved
Approve Six-Year Transportation Improvement Program (2007-2012).	Approved
Current Business	
New Business	
Approve McCord Annexation; 10% Notice of Intention; PA 05054.	Approved
Approve Pipeline Franchise; Olympic Pipe Line Company.	Approved
Approve Stillaguamish Water Filtration Plant Improvements – 59th Avenue Connection Fees / Watermain Acceptance.	Approved
Approve Supplemental Agreement No. 1 to the Professional Services Agreement with DMJM Harris, Inc.; Stillaguamish Water Filtration Plant Improvements.	Approved
Approve 116th Street NE (I-5 to State Avenue) Corridor Improvements.	Approved

Legal	
Ordinances and Resolutions	
Approve an Ordinance of the City Council of the City of Marysville, Washington Granting Olympic Pipe Line Company, an Interstate Pipeline Corporation Incorporated in the State of Delaware, Its Successors and Assigns, a Nonexclusive Franchise to Construct, Operate, maintain, Remove, Replace, and Repair Existing Pipeline Facilities, Together with Equipment and Appurtenances Thereto, for the Transportation of Petroleum Products within and through the Franchise Area of the City of Marysville.	Approved Ord. 2651
Approve an Ordinance of the City of Marysville Annexing Certain Unincorporated Area Known as the Frondorf Annexation Area into the City of Marysville and Prezoning Said Properties Consistent with the City's Comprehensive Land Use Plan Designations.	Approved Ord. 2650
Approve an Ordinance of the City of Marysville Amending the 2006 Budget to Include Revised Salary Schedules for 2006 and Amending Ordinance No. 2604, 2608, 2616, and 2619.	Approved Ord. 2653
Approve an Ordinance of the City of Marysville Amending the 2006 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in 2006 and Amending Ordinance No. 2604.	Approve Ord. 2649
Approve an Ordinance of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking and Damaging of Land and Other Property for the Widening of 116th Street NE from the West Margin of the Burlington Northern Railroad Right-of-Way to Approximately 36th Drive N.E.	Approved Ord. 2652
Approve a Resolution of the City of Marysville Stating Its Intention to Annex and Prezone Certain Unincorporated Area, Known as the Marysville First Assembly of God Annexation, into the City, and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.	Approved Res. 2184
Approve a Resolution of the City of Marysville Adopting a Six-Year Transportation Improvement Program (2007-2012).	Approve Res. 2185
Information Items	
Mayor's Business	
Staff Business	
Call on Councilmembers	
Adjournment	10:09 p.m.
Executive Session	
Potential Litigation	
Personnel – Approval of Reclassification of Operations Manager position.	10:20 p.m.
Adjournment	10:23 p.m.

Marysville City Council Meeting

July 10, 2006

7:00 p.m.

City Hall

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Dennis Kendall called the July 10, 2006 meeting of the Marysville City Council to order at 7:00 p.m. The invocation was given by Pastor Larry Gardner of Marysville First Assembly of God Church. Mayor Kendall led those present in the Pledge of Allegiance.

ROLL CALL

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

Mayor: Dennis Kendall

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

Staff: Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Gloria Hirashima, Community Development Director; Paul Roberts, Public Works Director; John Turner, Chief of Police; Jeff Massie, Assistant City Engineer; Kevin Nielsen, City Engineer; Terry Hawley, Operations Manager; Engineering Project Manager Pat Gruenhagen and Laurie Hugdahl, Recording Secretary.

COMMITTEE REPORTS

Councilmember Jeff Seibert reported on the July 7th **Public Works** meeting. Topics discussed at the meeting included:

- A presentation by staff on technology to catch people running red lights.
- Surface water rates – cannot give an exemption, but can do a reduced rate for elderly, low income and schools.
- DOT equivalency residential unit
- Transportation update
- RTID
- Old mill area – Solid Waste going over there by the end of the month

Councilmember Lee Phillips reported on the **Hotel/Motel Tax Grant** committee met today and reviewed four applications. The recommendation will be coming to Council on the next cycle.

PRESENTATIONS – None.**AUDIENCE PARTICIPATION**Steven Marlo, 7314 – 68th Avenue NE

Mr. Marlo was very upset about the number of fireworks in Marysville. He said the fireworks started near his house on July 1st and he had to leave town on July 3rd in order to get some sleep. He found fireworks on his roof and was very concerned about the noise and the safety. He encouraged Council to take action.

Stephen Senteney, 5711 – 60th NE

Mr. Senteney concurred with Mr. Marlo. He felt that there were a bunch of lunatics out there on the 4th of July. He displayed numerous fireworks that he had collected from his roof and patio. He said that he had to run a sprinkler on his roof all night to protect it from fire. He suggested that the City might be liable for allowing contraband to travel through the City. He was very upset about the fireworks and encouraged Council to take action.

Karl Kotter, 8405 -55th Avenue NE, Marysville, WA 98270

Mr. Kotter stated that he lives in the County, but wants to live in the City. He is part of the ART/Wicklows annexation which began about 20 months ago. He wanted to know why it was taking so long and if there was anything they could do to expedite the annexation. He stated that he was representing 19 people who were in the audience to get answers on this issue.

- Mary Swenson responded that this annexation boundary was originally at 84th Street, but the Boundary Review Board invoked jurisdiction and expanded it to include 88th Street. The City agreed on the boundary, but wants to negotiate an interlocal agreement with the County regarding 88th Street. The City believes 88th Street is a regional road and should be funded as such.
- Kevin Nielsen added that the cost to improve 88th Street is estimated at \$33 million, from State Avenue to 67th.
- Gloria Hirashima explained that when the County invoked jurisdiction to include everything south of 88th it almost tripled the annexation area.
- Paul Roberts noted that the process is not controlled by the City of Marysville. The City is not prepared to shoulder the responsibility for the entire \$33 million for a project that should have been addressed by the County upon approval of the development there.
- Councilmember Seibert commented that the need for improvement on 88th Street is because there was development in the County that they did not provide for.

Dennis Strike, 5213 – 69th Drive NE.

Mr. Strike discussed his safety concerns regarding illegal fireworks. He also discussed concerns about high speed drivers in his neighborhood. Chief Turner took note of the area and indicated that the police department would look into this. Mr. Strike also discussed issues surrounding loud boom boxes in cars and encouraged controlling this.

- Mayor Pro Tem Nehring explained that the Council has taken steps to narrow down the dates for fireworks discharge to only occur on July 4th. He noted that there are many parts of Marysville that are in the County and where the City has no jurisdiction. Another issue is the proximity to the Tulalip reservation, a sovereign nation who has a completely different set of laws. He is very willing to look at solutions and noted that he would be in favor of a total ban on fireworks.
- Jeff Seibert said that he also had issues with the fireworks for safety and noise reasons. He said he also would be willing to take another look at this issue. Mr. Seibert suggested contacting ATF next year to have them available for spot checks. He asked Chief Turner for a report of the number of dispatch calls received. Chief Turner said that the day staff received no fireworks complaints on the day of July 4th. In the evening they went from call to call. He noted that the department could take more assertive action next year. He commented that the fire department did an excellent job checking the fireworks stands within the City for legal fireworks.
- Councilmember Donna Wright asked if the officers confiscate the fireworks. Chief Turner stated that they do. Councilmember Wright was in favor of increasing fines. Regarding boom boxes, she commented that there is a noise ordinance, but it is difficult to enforce.
- Councilmember Phillips recalled about 15 years ago when there were spot checks for fireworks as people were leaving the reservation. He suggested not only confiscation, but also a fine for illegal fireworks. Chief Turner commented that that type of stop and search would not be allowable now under the 4th Amendment and the Washington State Constitution.

DISCUSSION ITEMS – None.

APPROVAL OF MINUTES – None.

CONSENT AGENDA

Motion made by Councilmember Wright; seconded by Councilmember Soriano to approve the following consent agenda items:

1. **Approval of June 21, 2006 Claims in the Amount of \$319,729.08; Paid by Check No. 31610 through 31745 with Check No. 30762 and 31609 Void.**
2. **Approval of June 28, 2006 Claims in the Amount of \$217,800.79; Paid by Check No. 31746 through 31953 with Check No. 8542, and 31643 Void.**
3. **Approval of Liquor License Renewals for El Rinconcito (202 State Avenue); Grove Street Market (5931 Grove Street #B); Don Jaime's Tienda (514 State Avenue; Suite B); Applebee's Neighborhood Bar & Grill (3702 88th Street NE); and Cedar Crest Family Restaurant & Grill (6810-84th Street NE).**
4. **Approval of New Liquor License for Albertson's #412 (11401 Smokey Point Boulevard Suite 101) and Albertson's #471 (301 Marysville Mall).**

5. **Approval of Liquor License Application for Cristiano's Pizza Etc. (1206 State Avenue, Suite G).**
6. **Approval of Application for Marysville Downtown Merchants Association to Conduct a Special Event on August 11 and August 12, 2006 as Requested Including Street Closure of 3rd Street between State Avenue and Alder Avenue, as well as Street Closure of Alley between 3rd Street and 4th Street.**
7. **Authorize Mayor to Sign Interlocal Agreement with Snohomish County to License a Portion of Facilities Associated with Hosting the NSA 2006 Girls Fast Pitch World Series Tournament.**

Motion passed unanimously (7-0).

REVIEW BIDS

8. 2006 Solid Waste Containers Purchase.

Paul Roberts explained that they had one bid which exceeded the budgeted amount. He commented that they need the containers and recommend that they go forward with the bid.

Councilmember Phillips wondered why there was only one bid. Public Works Operations Manager Terry Hawley explained that they had advertised for two weeks and spoken to two companies who were interested, but for some reason only one company submitted a bid.

Councilmember Seibert asked if there was opportunity to use a bid from another city. Mr. Hawley said that they looked into that but the bid package had expired because of the fluctuations in the price of steel.

Councilmember Rasmussen asked if the increased costs could be passed on to the users. Mr. Hawley was not sure, but noted that this is a turnover item. Sandy Langdon, Finance Director, said that they could ask for a rate increase. Paul Roberts commented that they would need a budget amendment, but the utility is healthy and is able to absorb the cost.

Mr. Hawley noted that they are looking into a different type of container that is supposed to have a longer life span.

Motion made by Councilmember Seibert; seconded by Councilmember Soriano to approve the bid quote from Capital Industries in the amount of \$97,750.27 to purchase Solid Waste containers. **Motion** passed unanimously (7-0).

Motion made by Councilmember Rasmussen; seconded by Councilmember Wright to approve Ordinance 2649 amending the 2006 budget and providing for the increase of certain expenditure items as budgeted for in 2006 and amending Ordinance no. 2604. **Motion** passed unanimously (7-0).

9. North 240 Zone 3M Gallon Reservoir & Transmission Main.

Paul Roberts stated that they received three bids. The lowest bid is provided.

Motion made by Councilmember Nehring; seconded by Councilmember Seibert to authorize the Mayor to award the bid for the North 240 Zone Reservoir and Transmission Main project to T. Bailey, Inc. in the amount of \$2,839,401.60 including Washington State Sales Tax, and approve a management reserve of \$100,000.00 for a total allocation of \$2,939,401.60.

Motion passed unanimously (7-0).

PUBLIC HEARINGS**10. First Assembly of God Annexation; PA 05031.**

Gloria Hirashima reviewed the background of this annexation as described on the Executive Summary for Action.

Mayor Kendall opened the public hearing at 7:57 p.m.

Public Testimony:

Pastor Larry Gardner, 6002 – 68th Drive NE, Marysville.

Pastor Gardner spoke on behalf of the First Assembly of God Church in support of the annexation.

Seeing no further public comment the public hearing was closed at 7:58 p.m.

Motion made by Councilmember Wright; seconded by Councilmember Vaughan to approve Resolution 2184 for annexation and prezone, and authorization to transmit the First Assembly of God annexation to the Snohomish County Boundary Review Board for review.

Motion passed unanimously (7-0).

11. Frondorf Annexation; PA 05042.

Councilmember Wright excused herself from this item noting that her company had a financial interest in this area.

Gloria Hirashima stated that staff is recommending approval. The annexation would be effective on August 1, 2006.

Councilmember Seibert pointed out that the map was incorrect because the highway should not be included.

The public hearing was opened at 8:01 p.m. There being no public comments on this matter, the hearing was closed at 8:01 p.m.

Motion made by Councilmember Nehring; seconded by Councilmember Rasmussen to approve Ordinance No. 2650 for annexation and concurrent rezoning of properties within the annexation boundary consistent with the City's Comprehensive Land Use Plan designations of R-8 and CB. **Motion** passed unanimously (6-0) with Councilmember Wright abstaining.

Councilmember Wright returned to the Council Chambers at 8:02 p.m.

12. Six-Year Transportation Improvement Program (2007-2012).

Mayor Kendall stated that this is one of the most important issues before the City and they need to continue to address this with partnerships with the County and State. He issued a commitment that the City will do everything it can to address transportation issues. He asked Council to consider taking part of the sales tax gained from new businesses and commit it to transportation issues in the City.

Assistant City Engineer Jeff Massie presented a PowerPoint presentation (contained in the Council packet), *2007-2012 Six year Transportation Improvement Plan (TIP)*.

Additional Council/Staff comments on the projects:

- TIP No. 2: Sidewalks - Councilmember Seibert commented that they had discussed the need for sidewalks to be addressed. Safety issues and grant availability are the main factors in prioritizing these projects.
- TIP No. 12: State Ave: 100th Street NE to 116th Street NE – Kevin Nielsen added that Jeff Massie had written a Pre-FEMA grant trying to get federal money for this project.
- TIP No. 23: 51st Avenue NE: 84th Street NE to 88th Street NE - Councilmember Seibert discussed expanding the scope of this project to include 80th Street.
- Kevin Nielsen commented that they have been working with Community Development to address issues associated with the annexation areas. He thanked Gloria Hirashima for her assistance.

Public Testimony:

Jerry Osterman, 2605 169th Street NE, Marysville, WA 98271.

Mr. Osterman stated that he represents the Lakewood Meadow Homeowners Association. He addressed the traffic impact of the Lakewood Crossing Project on 27th Avenue NE. He encouraged the City to accelerate this project in any way possible to minimize impacts on residents in that area. He also applauded the Mayor's comment about utilizing sales taxes for road improvements.

Mayor Pro Tem Nehring thanked Jeff Massie for the excellent presentation. He concurred with the Mayor's comments regarding sales tax but wondered how this could be tracked. Paul Roberts stated that they would be making recommendations to the Mayor on the priority of the corridor improvements, especially the "flyover," and where they could get the most efficient use of their money. He stressed the importance of having eyes and ears in Olympia to be informed about what was going on there. Mary Swenson said that they have given staff direction that the flyover is very important. Additionally, the City feels that they should be partnering with the Tulalip Tribes and the County on this. Kevin Nielsen commented that they have hired a consultant for the flyover and this project is a priority. He

explained that if they received additional money they would accelerate the projects, not add new projects.

Councilmember Nehring stated that he would like to be kept informed about what is happening with the transportation projects and with the sales tax revenues. Ms. Swenson agreed that regular updates need to occur. Councilmember Nehring requested sales tax revenue estimates. Finance Director Sandy Langdon explained that they had exceeded their goal of an 8% increase. Paul Roberts noted that the more that the City can fund, the more available grants become.

Councilmember Seibert urged that they protect their existing investments in roads. He commended staff for their aggressiveness in getting funds. He suggested expanding the scope for TIP No. 23. Councilmember Phillips concurred.

Councilmember Rasmussen suggested continuing to look at infrastructure development loans as a way to save money over increasing construction costs.

Councilmember Soriano asked about the PSRC's recommended list of projects for RTID. Paul Roberts stated it looks like 116th Street: State Avenue to I-5; State Avenue: 100th -116th; and State Avenue: 136th -152nd were on the list. They have initiated contact with PSRC to keep Marysville in the loop.

Motion made by Councilmember Seibert; seconded by Councilmember Nehring to approve Resolution 2185, a Resolution of the City of Marysville Adopting a Six-Year Transportation Improvement Program (2007-2012) with project No. 23 expanded to include the corridor of 80th from 47th to 51st. **Motion** passed unanimously (7-0).

Kevin Nielsen congratulated Engineering Project Manager Pat Gruenhagen for writing a grant earning the City approximately \$1 million.

The Council thanked Jeff Massie, Community Development employees and Engineering staff for the presentation and all their hard work preparing the Six-Year TIP.

CURRENT BUSINESS – None.

NEW BUSINESS

13. McCord Annexation; 10% Notice of Intention; PA 05054.

Gloria Hirashima explained the background of this annexation request. She explained that staff is recommending not moving forward since this is in an area low on the City's list of desired annexation areas.

Councilmember Seibert stated that he would be in favor of requiring annexation in this case knowing that the annexation area would not be expanded. Councilmember Phillips also agreed that if the intentions are to develop, then the City should act to capture that now. Councilmember Rasmussen asked if there was any evidence from anyone else that they may be interested in annexing. Ms. Hirashima indicated that there was not. Councilmember Rasmussen stressed the importance of keeping the boundary lines straight for the benefit of fire and police service. She was opposed to requiring annexation.

Motion made by Councilmember Seibert; seconded by Councilmember Phillips to require annexation.

Gloria Hirashima commented that if the owners are planning to development they would probably submit it to the County; therefore the City could potentially get less money if they annex.

Motion withdrawn by Councilmember Seibert; seconded by Councilmember Phillips.

Motion made by Councilmember Wright; seconded by Councilmember Rasmussen to approve waiving the annexation requirement for obtaining water and sewer service, subject to the applicant recording a valid annexation covenant. **Motion** passed unanimously (7-0).

14. Pipeline Franchise; Olympic Pipe Line Company.

- City Attorney Grant Weed explained that a number of cities have been working with Olympic Pipeline on franchise agreements. This agreement is modeled after one that the City of Bellevue negotiated with them. He believes that it protects the City, confirms responsibilities and would result in annual payments to the City in the amount of approximately \$12,000.00.
- Councilmember Soriano asked about the accuracy of the GIS maps. Gloria Hirashima replied that they would need to get more exact mapping.
- Councilmember Seibert asked if there were any limitations on how the annual payment could be used. City Attorney Weed did not think so.

Motion made by Councilmember Soriano; seconded by Councilmember Seibert to approve Ordinance 2651 granting a pipeline franchise to Olympic Pipe Line Company. **Motion** passed unanimously (7-0).

15. Stillaguamish Water Filtration Plant Improvements – 59th Avenue Connection Fees / Watermain Acceptance.

Motion made by Councilmember Nehring; seconded by Councilmember Wright to accept the 59th Avenue NE watermain as complete and to authorize the City to pay connection fees in the amount of \$200,840.00, noted herein by attachment, to the City of Arlington. **Motion** passed unanimously (7-0).

16. Supplemental Agreement No. 1 to the Professional Services Agreement with DMJM Harris, Inc.; Stillaguamish Water Filtration Plant Improvements.

Project Manager Pat Gruenhagen explained that they need to keep the construction management company on board for a few extra months.

Motion made by Councilmember Vaughan; seconded by Councilmember Seibert to authorize the Mayor to sign Supplement No. 1 to the PSA with DMJM Harris, Inc, in the amount of \$96,912.89. **Motion** passed unanimously (7-0).

17. 116th Street NE (I-5 to State Avenue) Corridor Improvements.

Ray Barkley, 3718 116th Street NE

Mr. Barkley asked if all parties had signed in. Ms. Hirashima replied that they had.

Motion made by Councilmember Vaughan; seconded by Councilmember Rasmussen to approve Ordinance No. 2652 authorizing the Condemnation, appropriation, taking, and damaging of land and other property of the improvement of 116th Street NE from I-5 to State Avenue. **Motion** passed unanimously (7-0).

LEGAL – None.

ORDINANCES AND RESOLUTIONS

- 18. An Ordinance of the City Council of the City of Marysville, Washington Granting Olympic Pipe Line Company, an Interstate Pipeline Corporation Incorporated in the State of Delaware, Its Successors and Assigns, a Nonexclusive Franchise to Construct, Operate, maintain, Remove, Replace, and Repair Existing Pipeline Facilities, Together with Equipment and Appurtenances Thereto, for the Transportation of Petroleum Products within and through the Franchise Area of the City of Marysville.**

Approved above (Item 14).

- 19. An Ordinance of the City of Marysville Annexing Certain Unincorporated Area Known as the Frondorf Annexation Area into the City of Marysville and Rezoning Said Properties Consistent with the City's Comprehensive Land Use Plan Designations.**

Approved above (Item 11).

- 20. An Ordinance of the City of Marysville Amending the 2006 Budget to Include Revised Salary Schedules for 2006 and Amending Ordinance No. 2604, 2608, 2616, and 2619.**

Councilmember Seibert left the room.

Motion made by Councilmember Nehring; seconded by Councilmember Soriano to approve Ordinance No. 2653 amending the 2006 budget. **Motion** passed unanimously (6-0) with Councilmember Seibert not voting.

- 21. An Ordinance of the City of Marysville Amending the 2006 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in 2006 and Amending Ordinance No. 2604.**

Approved above (Item 8).

- 22. An Ordinance of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking and Damaging of Land and Other**

Property for the Widening of 116th Street NE from the West Margin of the Burlington Northern Railroad Right-of-Way to Approximately 36th Drive N.E.

Approved above (Item 17).

- 23. A Resolution of the City of Marysville Stating Its Intention to Annex and Prezone Certain Unincorporated Area, Known as the Marysville First Assembly of God Annexation, into the City, and Transmitting the Matter to the Snohomish County Boundary Review Board for Approval.**

Approved above (Item 10).

- 24. A Resolution of the City of Marysville Adopting a Six-Year Transportation Improvement Program (2007-2012).**

Approved above (Item 12).

Councilmember Seibert returned to the meeting.

MAYOR'S BUSINESS

Mayor Kendall noted that he would be out of town the rest of the week.

He discussed bringing the graffiti issue back the second cycle of September to review the code. Councilmember Vaughan commented that his hope was to have a quicker turnaround on cleanup than 30 days.

STAFF BUSINESS

Paul Roberts thanked everyone for their support of the transportation piece. He commended the work of Kevin Nielsen, Jeff Massie and Pat Gruenhagen.

He noted that Public Works has hired a new finance staff person, Allena Olson.

He thanked the street crew for cleaning up the city streets so quickly after the 4th of July.

He thanked Councilmembers Rasmussen, Phillips, Soriano and Wright for attending the Open House for the State Avenue Improvement Project.

He noted that it was probably time to give Council a presentation about I-933 since it will be on the ballot.

Gloria Hirashima gave an update on the Sunnyside area. She distributed a map of County projects. They are seeing a high number of people submitting applications. She pointed out that the Whiskey Ridge area and the gap area have benefited from the policy not allowing vesting in the County prior to annexation.

The Planning Commission is working on Small Lot guidelines to ensure that higher quality developments occur. Single Family developments in Multi-family zones are an issue that needs urgent attention. This will be addressed at the upcoming Planning Commission hearing. Councilmember Seibert suggested looking at revising the annexation policy.

Grant Weed had three items for Executive Session – two Pending Litigation items and one Personnel item. One item would require action.

Mary Swenson discussed the 116th Street document that they would be asking Council to take action on at the next meeting.

Sandy Langdon commented that staff successfully updated their financial system.

Chief Turner thanked the Street Department for the swift cleanup of the fireworks.

CALL ON COUNCILMEMBERS

Carmen Rasmussen commented that they had met with Mr. Mohs regarding issues on Beach Street between Grove and Short Street. She recommended painting the speed limit on the street and adding turtles as a low-cost solution. She added that his neighborhood would benefit from a neighborhood watch. She suggested assigning that to a staff person. Lee Phillips added that Mr. Mohs did contact Marysville's Seniors Against Crime, but he thought a staff person should also contact him. She thanked Public Works for their work on the TIP and the excellent presentation.

Jeff Vaughan brought up concerns about issues of control and procedural matters at a recent hearing in particular and also at some recent meetings. He felt that once the floor was closed it should remain closed and citizens should not be allowed to speak once the time has passed. He is in favor of public discourse, but the public should be willing to follow the process if they want to participate.

- Councilmember Seibert did not want to discourage people from commenting just because they had not filled out a form ahead of time. He felt that sometimes a citizen might not know that they want to speak until later in the meeting.
- Councilmember Phillips agreed that some people might not be aware of the procedures and he did not want to exclude them.
- Councilmember Nehring concurred with Councilmember Vaughan and said he felt badly about how that hearing had transpired.
- Grant Weed suggested letting the public know in advance the process at a public hearing.

Donna Wright suggested more public education next year about fireworks. She thanked staff for the good TIP presentation.

Lee Phillips thanked staff for the TIP presentation and the State Avenue Improvements Open House.

He brought up the issue of underage kids smoking cigarettes. He asked about enforcement options. Chief Turner explained that their avenue of enforcement is through the stores. They could do a sting to find out which stores are selling them. He added that the City does not have jurisdiction over youth smoking.

He discussed the issue of the Everett shelter possibly closing. He requested an update to see how many more pet licenses they have gotten and how many tickets have been written. Chief Turner indicated that he would get that.

John Soriano thanked staff for a great TIP presentation. He referred to a question someone asked at the Open House about improvements at 128th and State Avenue. Paul Roberts said he would get that information for him.

Jeff Seibert thanked Jeff Vaughan for speaking up about his concerns. He suggested that a delay in fireworks cleanup might be an education opportunity. He asked about bringing the fireworks ordinance back to Council.

- Councilmember Vaughan thought that enforcement would be more useful than revising the ordinance.
- Councilmember Rasmussen agreed. She suggested increasing public awareness of fines associated with illegal fireworks. She explained that enforcement is a very complicated issue.
- Mary Swenson said that she and Chief Turner could put together a plan.
- Councilmember Phillips was in favor of revisiting the ordinance.
- Councilmember Seibert commented that if you outlaw all of them it makes it a lot easier to regulate. He supported revisiting the ordinance.
- Chief Turner added that they did do some advance "knock and talks" to help educate certain individuals that had been pointed out to them. They could do more of those next year.

Jon Nehring thanked staff for the TIP presentation and thanked Chief Turner and Kevin Nielsen for checking on the Tuscany situation.

INFORMATION ITEMS – None.

ADJOURNMENT

Mayor Kendall recessed into Executive Session at 10:09 p.m. Action was expected to be taken on one item.

EXECUTIVE SESSION

Council met in Executive Session to discuss two pending litigation items and one personnel item.

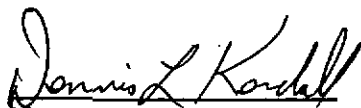
Council reconvened into Regular Session at 10:20 p.m.


Motion by Councilmember Seibert, second by Councilmember Nehring to reclassify the Operations Manager position to an M8 retroactive to February 1, 2006. **Motion** carried unanimously (7-0).

ADJOURNMENT

Seeing no further business, Mayor Kendall adjourned the meeting at 10:23 p.m.

Approved this 24th day of July, 2006.


 Mayor
 Dennis Kendall


 City Clerk
 Gerry Becker


 Recording Secretary
 Laurie Hugdahl

MARYSVILLE CITY COUNCIL WORK SESSION

JULY 17, 2006

7:00 P.M.

CITY HALL

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

CORRECTED: SEE 7/24/06
MINUTES

Mayor Dennis Kendall called the July 17, 2006 Work Session of the Marysville City Council to order at 7:00 p.m. He then led the assemblage in the Pledge of Allegiance.

ROLL CALL

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

Mayor: Dennis Kendall

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

Staff: Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Gloria Hirashima, Community Development Director; Paul Roberts, Public Works Director; Kevin Nielsen, City Engineer; John Turner, Interim Chief of Police; Doug Buell, Community Information Officer; Kari Chennault, Program Engineer, Surface Water; Gerry Becker, City Clerk; and Laurie Hugdahl, Recording Secretary.

COMMITTEE REPORTS – None.

PRESENTATIONS – None.

DISCUSSION ITEMS:

APPROVAL OF MINUTES.

1. Approval of June 26, 2006 City Council Meeting Minutes.
2. Approval of July 10, 2006 City Council Meeting Minutes.

CONSENT AGENDA

3. Approval of July 5, 2006 Claims in the Amount of \$643,755.41; Paid by Check No. 31954 through 32096 with Check No. 30776, 22521, and 31730 Void.
4. Approval of July 12, 2006 Claims in the Amount of \$469,908.45; Paid by Check No. 32097 through 32244.
5. Approval of July 19, 2006 Claims.

6. Approval of July 5, 2006 Payroll in the Amount of \$994,349.97; Paid by Check No. 16411 through 16496.
7. Approval of July 20, 2006 Payroll.
8. Approval of Application for North City Taxi to Operate a For-Hire Business in Marysville.
9. Approval of Liquor License Renewals for Don's Restaurant (1216 4th St.); Marysville Deli & Video (922 State Avenue Suite B); Safeway Store #1485 (1258 State Avenue); JR's (1352 State Avenue); Boondocker's Café (1008 Cedar Avenue) Smokey's Cascadia (210 State Avenue); and Marysville Shell & Food Court (11601 State Avenue NE).
10. Authorize Mayor to Sign Professional Services Supplemental Agreement No. 1 with CIC Valuation Group, Inc. for Appraisal Work on the State Avenue Corridor Improvements (116th Street NE to 152nd Street NE) Project.

Public Works Director Paul Roberts explained that this pertained to the acquisition of nine properties south of 136th and would pay a consultant for appraisal services.

11. Approval of Final Plat for Berrywoods Phase 1; PA 05053.

Community Development Director Gloria Hirashima commented that this came in with the Jordan annexation and this is just completing the process.

12. Authorize Mayor to Sign Mutual Aid Agreement with EWUC.

Paul Roberts explained that this was an emergency response provision.

REVIEW BIDS

13. 2006 Sewer Replacement Project.

Director Roberts said they had received five bids. The lowest bidder was approximately 15% over the engineers' estimate, but staff is recommending approval.

14. Sunnyside 3MG Reservoir Project.

Director Roberts stated that two bids were received. Staff is recommending award of the bid to T Bailey, Inc.

PUBLIC HEARINGS – None.

CURRENT BUSINESS – None.

NEW BUSINESS

15. Authorize Mayor to Sign Professional Services Supplemental Agreement No.1 between the City of Marysville and MWH Americas, Inc. for Construction Management on the Sunnyside 3MG Reservoir Project.
16. Hotel/Motel Tax Grant Program.

City Clerk Gerry Becker explained that the Hotel/Motel Committee had reviewed four applications and scoring results and had recommended distribution of the Hotel/Motel funds to Maryfest, Marysville-Tulalip Chamber of Commerce and Marysville Historical Society.

Councilmember Soriano noted that it looked like the Historical Society received the most points. Councilmember Lee Phillips explained that the committee determined that the scoring result was only one component used during the assessment process. Next year the Committee may change the weight of the scoring to more accurately reflect the merits of each applicant regarding the promotion of tourism in the City of Marysville.

Councilmember Rasmussen commented that Maryfest was an applicant and also has a member on the committee. City Attorney Grant Weed replied that the RCW sets it up that way. He noted that the committee only makes recommended action. Councilmember Phillips added that the member from Maryfest abstained from voting on that item.

17. Professional Services Agreement with RH2 Engineering for Edward Springs Well 1R Development Project.

Director Roberts stated that they have completed the replacement valve on Well #1 at Edward Springs. This will connect the telemetry, connects us to the SCADA system and also updates the pump.

18. Wave Broadband Cable System Franchise.

Grant Weed stated that this is the result of the annexation of an area in and around Lakewood. WAVE had a franchise agreement with Snohomish County that pertains to the part that was annexed to the City.

Councilmember Soriano asked if Lakewood High School had shown any interest in the Educational Access Channel. Community Information Officer Doug Buell indicated that they had shown some interest.

19. Surface Water Utility Billing.

Kari Chennault, Program Engineer, Surface Water, gave a PowerPoint presentation on Surface Water Utility Billing. She noted that in January of 2007, the City will be taking over the billing from the County since the Interlocal Agreement with the County will expire. She discussed the proposed method and structure of assigning rates. Finance Director Sandy Langdon explained how the billing, connection and penalties will occur. Ms. Chennault explained that the Council will need to make decisions regarding how to handle reductions for senior citizen low-income and/or disabled low-income; public schools; low impact development; state highways; and rainwater harvesting systems.

Councilmember Seibert suggested keeping the senior citizen low-income discount consistent with other utilities at 70%. He thought that the school district's equivalent FTE's in kind would be acceptable if their program could be shown to be of value.

Councilmember Donna Wright asked about rainwater harvesting. Kevin Nielsen explained that this is a very vague section and would be difficult to administer. He thought it was intended to apply to large businesses. City Attorney Weed suggested writing some definitions that could clarify this provision.

Grant Weed stated that the state highway reduction was determined to be a 70% reduction in the RCW.

Gloria Hirashima discussed Low Impact Development. The reductions would be based on development techniques and accepted DOE calculations. City Attorney Weed suggested adding a definition of Low Impact Development to the ordinance.

Public Schools – Staff will try to work with the school district to develop a curriculum to meet the guidelines. Councilmember Seibert wasn't sure that a curriculum would be worth \$80,000. Councilmember Rasmussen suggested sending a bill first and then the district would respond with documentation that they have met the requirements. Mayor Kendall suggested starting with the curriculum used by the task force at Allen Creek Elementary at Jones Creek.

LEGAL – None.

ORDINANCES AND RESOLUTIONS

20. An Ordinance of the City of Marysville, Washington Amending Chapters 14.05, 14.07 and 14.19 of the Marysville Municipal Code Relating to Policies and Procedures for the City's Surface Water Utility.
21. An Ordinance of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking and Damaging of Land and Other Property for Purposes of Widening State Avenue from Two Lanes to Five Lanes and Constructing Curbs, Gutters and Sidewalks, from Approximately 136th Street NE to Approximately 152nd Street N.E., Marysville, Washington.
22. An Ordinance of the City of Marysville Repealing the Section of Ordinance 2131 Codified at MMC 19.20.070 Relating to Sign Permit Fees.

City Attorney Weed explained that this repeals the current sign ordinance and replaces it with the one associated with the IBC.

23. An Ordinance of the City of Marysville Granting a Franchise to WaveDivision I, LLC to Operate a Cable Television System in City Rights-of-Way.

MAYOR'S BUSINESS

24. Planning Commission Re-Appointment – Steve Muller.

CORRECTED: SEE 7/24/06
MINUTES DISCOUNT IS 30%

25. Park Board Re-Appointment – John Myers.

Other:

- Mayor Kendall asked about the pump for the golf course. Kevin Nielsen said he would need to get back to him about that.
- Mayor Kendall added that they had met with the County Executive and are making progress with discussions on various issues.

STAFF BUSINESS

Kevin Nielsen detailed the timeline for the current overlay work going on in the City.

Sandy Langdon stated that there will be an Interlocal Agreement with Arlington for surface water billing next week.

Doug Buell stated that the Healthy Communities dinner on Friday has been postponed due to lack of attendance. It will be rescheduled for September 14.

Gloria Hirashima distributed a photo of a wireless facility constructed on a utility pole that was constructed under the new code.

- She noted that the Gateways Master Plan will be coming to Council in October.

Paul Roberts noted that the streets crews are working very hard.

- He distributed a copy of the annual Water Quality Report.
- He invited Council to the Sunshine Fund BBQ at Jennings Park Pavilion on Thursday.

Chief Turner distributed the requested fireworks data to the Council. He commented that there were fewer complaints now than in the past few years. He added that they had confiscated two large boxes filled with fireworks, which will be turned over to the WSP bomb squad. There was some discussion about possession of fireworks being a civil infraction, which does not require as much evidence as a criminal infraction.

- Chief Turner stated that he has set up an underage cigarette sting with the State Lieutenant for the Liquor Control Board.
- He then discussed details surrounding the local case of an abandoned newborn baby.

Mary Swenson stated that they are working through the dispatch issue.

- She was very pleased with the press on the Six-Year TIP and traffic issues in *The Globe* and *The Herald*.
- She stated that 116th work is continuing.
- Staff will be interviewing for the new police chief. They have narrowed it down to about 16 candidates.

CALL ON COUNCILMEMBERS

Lee Phillips discussed a filthy bus stop at State and Grove. He suggested putting up a larger garbage can.

- He thanked Chief Turner for the quick response to the underage smoking issue.

- Regarding the abandoned baby, he was happy that the citizens were there to help.
- He noted that citizens have been using less water this year than last year.

Carmen Rasmussen asked when the meeting with the Tribes will be. Staff said it would be on Friday the 28th.

- She announced the great achievements of the boys' and girls' softball teams. It was decided to invite the teams and acknowledge their achievements at the next meeting. Mayor Kendall added that the softball tournament is going on right now at Strawberry Fields.

Jeff Vaughan just returned from Colorado and had some comments about things he had noticed in Aurora, where he grew up.

- Development – Everything there is master planned. He is excited about seeing that happen here.
- Streets are built as if development was already there.
- Graffiti is cleaned up by a city crew within 24 hours.
- All of the Aurora city offices are located in the economic core of the city. He feels this is a very wise choice.

Jeff Seibert suggested corresponding with Cities and Towns to let them know that they do not think Tim Eyman is an appropriate speaker for their group and they will not attend if he is the speaker.

Donna Wright reported on the Tulalip Tribes' Impact Fund Distribution.

John Soriano thanked Kevin Nielsen for getting back to him on the question he had last week.

INFORMATION ITEMS

26. Marysville Library Board Minutes; June 8, 2006.

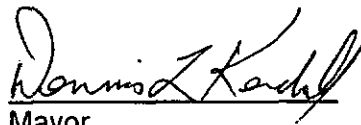
ADJOURNMENT

EXECUTIVE SESSION – None.

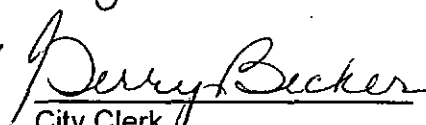
ADJOURNMENT

Seeing no further business, Mayor Kendall adjourned the meeting at 8:32 p.m.

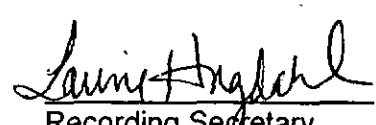
Approved this 24th day of July, 2006.



Mayor
Dennis Kendall



City Clerk
Gerry Becker



Recording Secretary
Laurie Huggahl