

000316

October 23, 2006

Marysville City Council  
7:00 p.m.**ORIGINAL** City Hall

<b>Call to Order/Invocation/Pledge of Allegiance</b>	7:00 P.M.
<b>Roll Call</b>	
Excuse the Absence of Councilmember Donna Wright.	Approved
<b>Approval of Minutes</b>	
Approve October 9, 2006 City Council Meeting Minutes.	Approved
<b>Consent Agenda</b>	
Approve October 11, 2006 Claims in the Amount of \$1,221,310.76; Paid by Check No. 34301 through 34490 with Check No. 13070, 33963, 33964, and 33966 Void.	Approved
Approve October 18, 2006 Claims in the Amount of \$670,465.17; Paid by Check No. 34491 through 34650.	Approved
Approve New Liquor License Application for Portal, LLC, 11605 State Avenue, Suite 110.	Approved
Authorize Mayor to Sign Annual Support Agreement and License Agreement for Munis Software and Approve Payment of Invoice No. 97668 to Tyler Technologies, Inc.	Approved
Approve Final Plat of Palisades South; PA 04013.	Approved
Approve Final Plat for Getchell Hill PRD – Phase 2; PA 030722.	Approved
Approve Professional Services Agreement for Water & Sewer Cost of Service Study; Gray & Osborne, Inc.	Approved
Approve Professional Services Agreements for Right-of-Way Negotiation/Acquisition Services with Pharos Corporation; State Avenue (116th Street NE – 152nd Street NE).	Approved
Approve Professional Services Agreements for Right-of-Way Negotiation/Acquisitions Services with Lane & Associates; State Avenue (116th Street NE – 152nd Street NE).	Approved
Approve New For-Hire Business to Operate in Marysville; AAA Taxi.	Approved
<b>Review Bids</b>	
<b>Public Hearings</b>	
35 <sup>th</sup> Avenue Street Vacation	Hearing
<b>Current Business</b>	
Shoreline Master Plan	Approved
<b>New Business</b>	
Approve Special Event Permit; YMCA Fun Run for Community Health & Wellness; Saturday; October 28, 2006.	Approved
<b>Legal</b>	
Approve Agreement Regarding Appraisal Review Services for State Avenue.	Approved
<b>Ordinances and Resolutions</b>	
Adopt an Ordinance of the City of Marysville Adopting Wireless Communications Facility Franchise Regulations and Adopting a New Chapter 5.73 of the Marysville Municipal Code.	Approved Ord. No. 2669
Adopt an Ordinance of the City of Marysville Vacating a Portion of 35th Avenue N.E., a City Road Right-of-Way Located North of 88th Street NE	Approved Ord. No. 2664

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

October 23, 2006

City Hall

and South of 90th Street N.E. (Arnold Luoma).	
Adopt an Ordinance of the City of Marysville Vacating a Portion of 35 <sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88th Street NE and South of 90th Street N.E. (Lawrence A. Weaver).	Approved Ord. No. 2665
Adopt an Ordinance of the City of Marysville Vacating a Portion of 35 <sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88th Street NE and South of 90th Street N.E. (Elsie Brechwald).	Approved Ord. No. 2666
Adopt an Ordinance of the City of Marysville Vacating a Portion of 35 <sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88th Street NE and South of 90th Street N.E. (Steven L. Smith).	Approved Ord. No. 2667
Adopt an Ordinance of the City of Marysville, Washington Amending Ordinance 2569 Relating to the Marysville Growth Management Comprehensive Plan; Approving the Recommendations of the Marysville Planning Commission Adopting a New 'Shoreline Master Plan' Element; Adopting Map Amendments and Development Regulations Set Forth in the Shoreline Master Plan and Repealing in Its Entirety Ordinance 859.	Approved Ord. No. 2668
Adopt an Ordinance of the City of Marysville, Washington Amending Section 14.07.010 of the Marysville Municipal Code by Increasing the Water Service Installation Fee and the Drop-In Meter Fee.	Approved Ord. No. 2670
Adopt a Resolution of the City of Marysville Authorizing the Purchase and Acquisition of Goods and Services for Replacement of Jail Door and Security Facilities, Waiving Public Bid Requirements, and Declaring an Emergency to Exist.	Approved Res. No. 2192
<b>Information Items</b>	
<b>Mayor's Business</b>	
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	8:35 P.M.
<b>Executive Session</b>	8:40 P.M.
<b>Real Estate- 2 items</b>	No action
<b>Potential Litigation -1 item</b>	No action
<b>Adjournment</b>	9:00 P.M.

000316

## MARYSVILLE CITY COUNCIL MEETING

October 23, 2006

7:00 p.m.

City Hall

### CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Dennis Kendall called the October 23, 2006 meeting of the Marysville City Council to order at 7:00 p.m. There was no invocation. Mayor Kendall led those present in the Pledge of Allegiance.

### ROLL CALL

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 and Jeff Vaughan

**Staff:** Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Paul Roberts, Public Works Director; Gloria Hirashima, Community Development Director; John Turner, Interim Chief of Police; Steve Roberge, Senior Planner; Ryan White, Legal Intern; and Laurie Hugdahl, Recording Secretary.

**Motion** made by Councilmember Nehring; seconded by Councilmember Soriano to excuse the absence of Councilmember Donna Wright. **Motion** passed unanimously (6-0).

### COMMITTEE REPORTS

Councilmember Soriano reported that the **LEOFF 1** Committee reviewed and approved one claim at their last meeting.

Councilmember Seibert gave a report on the **Finance Committee's** meeting on October 18. Topics discussed included the following:

- City Clerk's job posting
- Passport – change in hours to five days a week
- Microfilming – All records are in Olympia ready to be copied.
- Mail server being cleaned up
- Update on budget process.

Councilmember Vaughan discussed the Graffiti Task Force's first meeting, which was well attended. A school resource officer gave an overview of the problem and its relationship to gangs. There was discussion about things that can be done to reduce the graffiti and the emergence of gangs in the community. The task force will be meeting a couple more times before bringing a recommendation to the City Council.

**PRESENTATIONS**

**A. Community Transit/Marysville Park & Ride.**

Todd Morrow, Director of Public Affairs, acknowledged the fine work of Mayor Kendall on the Community Transit Board. He gave a presentation regarding the potential of a Park & Ride in Marysville. He discussed the benefits of Community Transit, noting that 1.1 million passengers boarded in Marysville last year. They are working to develop regional transportation projects that work for the communities. He stated that the public values the work they are doing and is very loyal. There are twenty Park & Rides around the county. The three in Marysville are at capacity and there is a need for a new one.

Director Morrow discussed the key criteria for Park & Ride siting. These criteria included zoning, proximity to I-5, adjacent land compatibility, topography, proximity to population density, proximity to signalized intersection. They have identified a preliminary 11-acre site in Arlington. The preferred site they are looking at in Marysville is a 2-acre site at Cedar and Grove, which would accommodate 226 cars. He stated that the benefits of this site include its convenient location for shopping and community events, proximity to the railroad tracks, mixed-use zoning, on existing bus routes and can supplement the Ash Avenue Park & Ride.

The next steps will include preliminary environmental review. There will be a pre-application meeting with the City on October 25. If the project is approved by the Community Transit Board, the property acquisition could happen in 2007. There will be an open house in Marysville on November 16. Director Morrow stated that they are looking forward to continuing a great relationship with the City.

There were no comments or questions following the presentations.

**B. Employee Service Awards.**

The following employees received Employee Service Awards:

- **Diana Vanderschel, Receptionist – 5 years.**
- **Derek Oates, Police Officer – 5 years.**

### C. Employee of the Month Award.

The Development Review Team received the October Employee of the Month Award for its work on the Lakewood Crossing / Gateway Shopping Center. Mayor Kendall read letters of commendation received from developers and community members. He then presented awards to the following employees: **Cheryl Dungan, Chris Holland, John Cowling, Anne Miller, Dennis Johnson, John Dorcas, Rick Karns, Stephen Moore, and Tom Laughlin.**

### AUDIENCE PARTICIPATION

**George Rowe, 4208 80<sup>th</sup> Street NE, Marysville, WA 98270**, addressed a hazardous parking situation on 80<sup>th</sup> Street due to sight impairment from overflow cars from the school district administration building that regularly park on that street. Mayor Swenson suggested bringing this up again at the Traffic Safety Committee. Chief Administrative Officer Swenson also indicated that she would contact school district personnel.

**Mark Buster, 4213 80<sup>th</sup> Street NE, Marysville, WA 98270**, concurred with Mr. Rowe and noted that on numerous occasions cars have parked too close to their driveway and they have had difficulty getting out safely. He was very concerned about the safety of this situation.

**Donald Barker, Powell Development, 2625 Northup Way, Bellevue Way 98004**, said he has spoken with four of the seven owners at the Smokey Point Service Center who believed that the drive should be maintained as a private drive and not public access. He suggested realigning it to line up with the entrance to Best Buy. He stated that this alignment would allow them to have full access.

### APPROVAL OF MINUTES

#### 1. Approval of October 9, 2006 City Council Meeting Minutes.

- Councilmember Seibert referred to page 1, under the Public Works Committee Report, the last bullet should say, "County's ~~veter~~ odor ordinance."
- On page 10, under Jeff Seibert's comments, the second sentence on the second bullet should read, "... positive comments regarding **community** development."
- Councilmember Vaughan referred to the 4<sup>th</sup> paragraph on page 2. The word **road** should be changed to **private driveway**.
- Councilmember Phillips referred to the 1<sup>st</sup> bullet under his comments on page 9. He clarified that this sentence should end with, "... with the Sunnyside/Whiskey Ridge Annexation."

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

### **CONSENT AGENDA**

**Motion** made by Councilmember Vaughan; seconded by Councilmember Soriano to approve the following Consent Agenda items 3-8 and 12-14:

Councilmember Rasmussen requested the removal of item 9 for discussion.

3. **Approval of October 11, 2006 Claims in the Amount of \$1,221,310.76; Paid by Check No. 34301 through 34490 with Check No. 13070, 33963, 33964, and 33966 Void.**
4. **Approval of October 18, 2006 Claims in the Amount of \$670,465.17; Paid by Check No. 34491 through 34650.**
5. **Approval of New Liquor License Application for Portal, LLC, 11605 State Avenue, Suite 110.**
6. **Authorize Mayor to Sign Annual Support Agreement and License Agreement for Munis Software and Approve Payment of Invoice No. 97668 to Tyler Technologies, Inc.**
7. **Approval of Final Plat of Palisades South; PA 04013.**
8. **Approval of Final Plat for Getchell Hill PRD – Phase 2; PA 030722.**
12. **Professional Services Agreement for Water & Sewer Cost of Service Study; Gray & Osborne, Inc.**
13. **Professional Services Agreements for Right-of-Way Negotiation/ Acquisition Services with Pharos Corporation; State Avenue (116th Street NE – 152nd Street NE).**
14. **Professional Services Agreements for Right-of-Way Negotiation/ Acquisitions Services with Lane & Associates; State Avenue (116th Street NE – 152nd Street NE).**

**Motion** passed unanimously (6-0).

9. **Approval of New For-Hire Business to Operate in Marysville; AAA Taxi.**

Councilmember Rasmussen asked for clarification about the new memo in the packet. Community Development Director Hirashima reviewed the memo dated 10/11/06 from Libby Grage.

**Motion** made by Councilmember Phillips; seconded by Councilmember Rasmussen, to approve Consent Agenda item 9 regarding approval of new for-hire business to operate in Marysville. **Motion** passed unanimously (6-0).

**REVIEW BIDS – None.**

## **PUBLIC HEARING**

### **10. 35th Avenue Street Vacation; PA 06059.**

Senior Planner Chris Holland reviewed the history of this street vacation. He referred a PSE letter which discussed a 2" gas main within the right-of-way. They are requesting a utility easement for that, but it is not known yet what size easement will be needed.

Mayor Kendall opened the hearing to public testimony at 7:56 p.m. Seeing none, the hearing was closed at 7:56 p.m.

## **CURRENT BUSINESS**

### **11. Shoreline Master Plan.**

There were no comments or questions regarding this item.

## **NEW BUSINESS**

### **25. Approval of Special Event Permit; YMCA Fun Run for Community Health & Wellness; Saturday; October 28, 2006.**

**Motion** made by Councilmember Vaughan, seconded by Councilmember Seibert, to approve the Special Event Permit. **Motion** passed unanimously (6-0).

## **LEGAL**

### **Approval of Agreement Regarding Appraisal Review Services for State Avenue**

Grant Weed discussed the requirement to have a review of the right-of-way appraisals that were done for the 116<sup>th</sup> – 152<sup>nd</sup> Street project.

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Nehring, to authorize the Mayor to sign an agreement for Appraisal Review Services not to exceed \$16,500. **Motion** passed unanimously (6-0).

## **ORDINANCES AND RESOLUTIONS**

- 16. An Ordinance of the City of Marysville Adopting Wireless Communications Facility Franchise Regulations and Adopting a New Chapter 5.73 of the Marysville Municipal Code.**

City Attorney Grant Weed discussed some wording that had been added to clarify that this applies only to facilities that operate within the city's rights-of-way.

**Motion** made by Councilmember Phillips, seconded by Councilmember Nehring, to approve Ordinance 2669 regarding Wireless Communications Facility Franchise Regulations. **Motion** passed unanimously (6-0).

- 17. An Ordinance of the City of Marysville Vacating a Portion of 35<sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88<sup>th</sup> Street NE and South of 90<sup>th</sup> Street N.E. (Arnold Luoma).**

**Motion** made by Councilmember Nehring; seconded by Councilmember Vaughan, to approve Ordinance 2664 regarding vacation of a portion of 35<sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88<sup>th</sup> Street NE and South of 90<sup>th</sup> Street N.E. (Arnold Luoma). **Motion** passed unanimously (6-0).

- 18. An Ordinance of the City of Marysville Vacating a Portion of 35<sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88<sup>th</sup> Street NE and South of 90<sup>th</sup> Street N.E. (Lawrence A. Weaver).**

**Motion** made by Councilmember Soriano, seconded by Councilmember Rasmussen, to approve Ordinance 2665 regarding vacation of a Portion of 35<sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88<sup>th</sup> Street NE and South of 90<sup>th</sup> Street N.E. (Lawrence A. Weaver). **Motion** passed unanimously (6-0).

- 19. An Ordinance of the City of Marysville Vacating a Portion of 35<sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88<sup>th</sup> Street NE and South of 90<sup>th</sup> Street N.E. (Elsie Brechwald).**

**Motion** made by Councilmember Vaughan, seconded by Councilmember Nehring, to approve Ordinance 2666, regarding vacation of a Portion of 35<sup>th</sup> Avenue N.E., a City Road Right-of-Way Located North of 88<sup>th</sup> Street NE and South of 90<sup>th</sup> Street N.E. (Elsie Brechwald). **Motion** passed unanimously (6-0).



20. **An Ordinance of the City of Marysville Vacating a Portion of 35th Avenue N.E., a City Road Right-of-Way Located North of 88th Street NE and South of 90th Street N.E. (Steven L. Smith).**

**Motion** made by Councilmember Nehring, seconded by Councilmember Seibert, to approve Ordinance 2667, regarding vacation of a Portion of 35th Avenue N.E., a City Road Right-of-Way Located North of 88th Street NE and South of 90th Street N.E. (Steven L. Smith). **Motion** passed unanimously (6-0).

21. **An Ordinance of the City of Marysville, Washington Amending Ordinance 2569 Relating to the Marysville Growth Management Comprehensive Plan; Approving the Recommendations of the Marysville Planning Commission Adopting a New 'Shoreline Master Plan' Element; Adopting Map Amendments and Development Regulations Set Forth in the Shoreline Master Plan and Repealing in Its Entirety Ordinance 859.**

**Motion** made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve Ordinance 2668 relating to the Growth Management Comprehensive Plan. **Motion** passed unanimously (6-0).

22. **An Ordinance of the City of Marysville, Washington Amending Section 14.07.010 of the Marysville Municipal Code by Increasing the Water Service Installation Fee and the Drop-In Meter Fee.**

**Motion** made by Councilmember Soriano, seconded by Councilmember Seibert, to approve Ordinance 2670 regarding the water service installation fee and the drop-in meter fee. **Motion** passed unanimously (6-0).

26. **A Resolution of the City of Marysville Authorizing the Purchase and Acquisition of Goods and Services for Replacement of Jail Door and Security Facilities, Waiving Public Bid Requirements, and Declaring an Emergency to Exist.**

**Motion** made by Councilmember Nehring, seconded by Councilmember Soriano, to approve Resolution 2192 regarding the replacement of the jail door and security facilities. **Motion** passed unanimously (6-0).

## **MAYOR'S BUSINESS**

Mayor Kendall stated he was glad to be back in town and that he had a great vacation. He encouraged everyone to come out to the Pumpkin Carving Contest at the Ken Baxter Senior Center on Thursday night at 6:00 p.m.

**STAFF BUSINESS**

**Jim Ballew** noted that the Resource Group would be meeting on Tuesday night. The Focus Groups for the Healthy Communities will also be meeting.

**Gloria Hirashima** stated that the Planning Commission will be workshopping the Whiskey Ridge Master Plat. They hope to have a hearing in late November or early December. The draft Master Plan is available on the website now.

**Grant Weed** responded to Councilmember Donna Wright's earlier question about whether or not the City can regulate taxi cab fees. He explained that they do have the authority, but most choose not to. He added that he would need a twenty-minute Executive Session to discuss two real estate acquisition matters and one pending litigation matter. No action would be needed.

**Mary Swenson** referred to a letter to the County Council regarding RTID in Council's packets. She noted that the Tribes also sent a letter and she will get a copy of that for the Council. She commended the north county area for banding together to make sure our needs are addressed. She explained that staff has had further discussions with the County regarding the Wicklow annexation and things seem to be moving along. They had the first meeting with the Tulalips regarding a whaling agreement. The meeting went well.

**Mayor Kendall** added that the north county mayors met today. Executive Reardon had attended and reviewed his plans for the RTID which include important projects for Marysville.

**Sandy Langdon** issued a reminder about the Budget Workshop on Monday and Thursday at 5:00 p.m.

**Chief Turner** gave updates on the police department hiring process. He noted that there would be a Public Safety Committee meeting on Wednesday.

**CALL ON COUNCILMEMBERS**

**Jeff Vaughan** thanked Chief Turner for putting together a productive meeting for the Graffiti Task Force. He is looking forward to good things coming from that.

**Jeff Seibert** asked if staff had contacted Verizon yet regarding permission to paint over graffiti painted on their equipment. Chief Turner replied that they had not made contact yet. Councilmember Seibert encouraged staff to get permission to paint over the graffiti as it continues to get worse. He commended officers for the commendation letter they had received.

He suggested contacting the School District to address the parking problems on 80<sup>th</sup>. Mayor Kendall suggested that Paul Roberts write a letter to the School District.

He asked for clarification about an article he read about the RTID being tied to a Sound Transit vote. Mayor Kendall reviewed this situation and noted that it was expected to be straightened out by the election in 2007.

**Jon Nehring** asked if the County Council met today regarding the RTID. Mayor Kendall responded that they did, but not much came of it.

Councilmember Nehring asked if anyone from staff was on the committees regarding a four-year university in the area. Mary Swenson said that no one is on a committee, but staff is following it closely.

**John Soriano** complimented officers on the letter from Sonitrol.

**Lee Phillips** commended officers for their work on the kidnapping situation.

**Carmen Rasmussen** suggested sending a card to Mayor Walty who is stepping down. Mary Swenson noted that they had called him to wish him well, but they could also send a card.

Councilmember Rasmussen referred to Community Transit's Park & Ride plan to move more traffic down Beach Street. She noted that there are already concerns by residents in that area about existing traffic.

She concurred with the Employees of the Month from Community Development. She agreed that every one of them is efficient and professional. She commended the great customer/community service that they provide.

**Mary Swenson** commended Gloria Hirashima as the director of that department.

*Councilmember Rasmussen excused herself to attend to a family emergency.*

## **INFORMATION ITEMS**

Mayor Kendall recessed into Executive Session at 8:35 p.m.

## **EXECUTIVE SESSION**

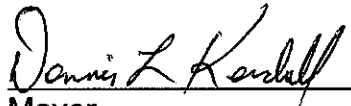
Council met in Executive Session at 8:40 p.m., discussed one litigation and two real estate items.

## **ADJOURNMENT**

Council reconvened into Regular Session and 9:00 p.m., taking no further action. Mayor Kendall adjourned the October 23, 2006 meeting of the Marysville City Council at 9:00 p.m.

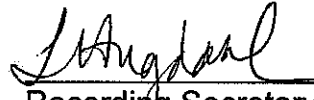
000325

Approved this 13<sup>th</sup> day of November, 2006.



Mayor  
Dennis Kendall

\_\_\_\_\_  
Deputy City Clerk  
Lillie Lein



\_\_\_\_\_  
Recording Secretary  
Laurie Hugdahl