

MARYSVILLE CITY COUNCIL WORK SESSION

February 5, 2007

7:00 P.M.

CITY HALL

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Pro Tem Jon Nehring called the February 5, 2007 meeting of the Marysville City Council to order at 7:04 p.m. There was no invocation. Mayor Pro Tem Nehring led those present in the Pledge of Allegiance.

ROLL CALL

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

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

Staff: Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Paul Roberts, Public Works Director; Chris Holland, Senior Planner; John Turner, Interim Chief of Police; and Laurie Hugdahl, Recording Secretary.

Mary Swenson explained that Mayor Kendall was out of town this week.

COMMITTEE REPORTS

Councilmember Rasmussen reported on the recent Graffiti Prevention Subcommittee meeting where there was brainstorming of the following ideas to prevent graffiti:

- Education in middle schools against gangs and graffiti
- Education of the community regarding the legal consequences of graffiti
- Expansion of a block watch type of program
- Video surveillance
- Interface with Healthy Communities Free and Low-Cost component

The group plans to narrow down the achievable goals in the near future.

Councilmember Soriano reported on the January 24, 2007 Public Safety Committee meeting. Topics discussed included the following:

- Update on overtime usage in 2006, which was down from 2005.
- Recent hiring – one officer laterally; two entry level accepted officers; two more going through background checks
- Red light enforcement issue being put on hold for now

- Animal control – Officer Vasconi will bring back a summary for 2006. He informed the group that they have been checking the bills to make sure that they are for residents within the city limits.
- Dispatch – Police department's transition to SnoPac went smoothly
- Jail door controls will be modified in March

PRESENTATIONS

A. Association of Snohomish County Cities & Towns; Mayor Gary Haakenson.

Mayor Haakenson from the City of Edmonds spoke as a representative of the Association of Snohomish County Cities and Towns' newly formed Legislative Committee. He distributed and reviewed a fact sheet containing the committee's proposed legislative agenda items. He explained that they were asking for Council's input and support. He requested that the Council respond via email as soon as possible.

Councilmember Wright referred to the proposal to allow cities to use their REET tax for park maintenance. She noted that Representative Brian Sullivan has a bill that would use a portion of the REET tax for new roads as well as maintenance. She wondered if these two items would be in conflict. Mayor Haakenson did not think that they would.

DISCUSSION ITEMS

None.

APPROVAL OF MINUTES

1. **Approval of January 22, 2007 City Council Meeting Minutes.**
2. **Approval of February 5, 2007 City Council Work Session Minutes.**

CONSENT AGENDA

3. **Approval of January 17, 2007 Claims in the Amount of \$277,859.41; Paid by Check No. 36460 through 36569 with Check No. 36173 Void.**
4. **Approval of January 24, 2007 Claims in the Amount of \$1,432,924.43; Paid by Check No. 36570 through 36700 with Check No. 35394, 35335, and 36260 Void.**
5. **Approval of January 31, 2007 Claims.**

6. **Approval of February 7, 2007 Claims.**
7. **Approval of January 19, 2007 Payroll in the Amount of \$750,919.06; Paid by Check No. 17345 and 17411.**
8. **Approval of February 5, 2007 Payroll.**
9. **Authorize Mayor to Sign the Visitor & Community Information Center Services Agreement with Greater Marysville Tulalip Chamber of Commerce.**

Chief Administrative Officer Swenson explained that this is the same agreement as in the past, but the amount has increased from \$24,000 to \$31,000. It was noted that the year needs to be corrected on item V from 2006 to 2007.

Councilmember Lee Phillips requested a comparison of other cities' funding of their visitor centers. Mary Swenson indicated that staff would bring that back.

10. **Authorize Mayor to Sign the Final Mylar for Subdivision Known as Rakestraw.**

Senior Planner Chris Holland stated that in order to get the right-of-way dedicated to the City, the Mayor needs to sign the Final Mylar.

Councilmember Rasmussen referred to the provision for a left-turn lane into 39th. She asked if this took into account the plans for 40th in the Whiskey Ridge Master Plan. Mr. Holland indicated that the plans for 40th had been considered.

11. **Authorize Mayor to Sign Professional Services Agreement with Pac Rim Services for Professional Plans Examiner Services.**

Chris Holland explained that their department had lost an employee who examined plans. This agreement would help to fill in the gap until a new person could be hired. Mary Swenson explained that they would be holding off hiring someone until the salary study has been completed.

REVIEW BIDS

None.

PUBLIC HEARING

None.

CURRENT BUSINESS

12. Abatement & Removal of Graffiti.

Chief Turner; Susan Bell, Principal at Cedarcrest Middle School; David Toyer, Barclays North, representing the Chamber; Bud Causer, Marysville Seniors against Crime (MSAC); Paul Rochon, Code Enforcement Officer

Chief Turner reviewed the proposed code revisions from the Graffiti Task Force. The main change is to amend the time requirement for the removal of graffiti to 48 hours. There has been overwhelming community support for this. He referred to the significant increase in graffiti in the last month or so and noted that it is very costly to both the City and the School District. He explained how groups/gangs use graffiti to communicate hate and discontent with other groups. He commented that this is a horrible offense on the community and it is the duty of the people to resolve it.

Mayor Pro Tem Nehring thanked the committee for their efforts and voiced his support of the proposal.

Councilmember Jeff Seibert asked how the appeal process would work. City Attorney Grant Weed reviewed the new code requirements and how the appeal process would function. The goal is to get voluntary compliance by property owners and that is generally how it works.

Councilmember Rasmussen asked David Toyer, who was representing the Chamber, why he thought that 50% of the survey takers did not support the ban on the sale of spray paint to minors. Mr. Toyer pointed to the issues related to administration and enforcement of this. He also noted that smaller businesses might have staffing issues associated with this requirement. The Chamber is recommending keeping this as a voluntary measure, but one that is encouraged.

Councilmember Rasmussen asked about the issue with the definition of responsible party. Mr. Toyer explained their concern is that the responsible party is notified, not just the one who is the lessee. There are many landlords who are not on site who are the ones with the authority and the motivation to effectuate change. Grant Weed commented that the practice of the City would be to locate the owner and to give notice to both the tenant and the landlord.

Councilmember Vaughan asked Code Enforcement Officer Paul Rochon how his efforts to get cooperation were going. Mr. Rochon said that most tenants are signing a release form, but others have issues related to out-of-town property management companies. He stated also that working with the utilities companies is an ongoing process.

In addition to this proposal, Councilmember Rasmussen suggested looking at the penalty phase of graffiti. She recommended additional civil penalties that the

damaged property owners can make a claim for in addition to the criminal prosecution. Grant Weed also discussed plans to work to convince legislators to change the state law.

Chief Turner commented that they are circulating a flier to businesses throughout the community informing merchants that they have the right to refuse service. He discussed the young age (as young as 7 and 10) and the apathy of kids that have recently been caught purchasing supplies.

Councilmember Philips asked why the Task Force was recommending 48 hours for cleanup instead of 24. Chief Turner said that this had been a topic of discussion, but the majority of the group felt that this was reasonable. Councilmembers Rasmussen and Seibert concurred, noting that 48 hours balanced the needs of the business owners and homeowners. Councilmember Vaughan pointed out that there is also a weather delay in the event of inclement weather.

Mayor Pro Tem Nehring encouraged the Chief to work with juvenile detention to require the kids to clean up graffiti. Bud Causer of Marysville Seniors against Crime (MSAC) discussed how some of this requires education of the businesses and residents because this whole issue is foreign to many of them. They do not fully understand the cost to the City.

Councilmember Wright asked what responsibility parents have in all this. Chief Turner thought that it used to be that under state law parents were responsible for vandalism damages up to \$3,000. He thought that this amount had been increased, but was not certain how much. He stated that they would be asking the juvenile court to take this matter more seriously in the future. City Attorney Grant Weed added that the state law also says that they need to be able to show that the parents had some knowledge about what the kids were doing. This is generally difficult to do.

Councilmember John Soriano asked about media effort related to this. Chief Turner said that both the *Globe* and the *Herald* are following the story. Chief Turner thanked the Chamber for the tremendous work that they have done.

Councilmember Soriano asked about a reference to checking off something on the business license to allow the City to go in and remove the graffiti if necessary. Paul Rochon explained that when they have a need for this they send a crew of MSAC volunteers out to take care of it. Mr. Causer added that the sooner the graffiti can be addressed, the easier it is to remove.

Councilmember Donna Wright thanked the MSAC volunteers for the work they have done. Bud Causer discussed his anger with all this, because of the impact it has on the City he loves, and the need to deal with it swiftly.

Councilmember Jeff Vaughan cautioned that although the Committee did discuss a proposal to give the City the right to clean up graffiti, he thinks property owners need to take responsibility for their own property. This tool would work best for absentee landlords or utilities, but he does not think that the City should be in the business of repainting the city.

Erik Wagner, Wagner Insurance, 1375 State, Marysville.

Mr. Wagner said his business has been hit by graffiti vandals numerous times. He cautioned against making the victim of the crime into the criminal. He feared this might happen if the owner was not able to remove the graffiti in the required timeframe because of extenuating circumstances. He recommended that it should be against the law for a youth to carry a concealed paint can on their person. City Attorney Grant Weed said that this is the law in California, but not here. Mr. Wagner also supported requiring offenders to clean up graffiti.

Craig Shankle, Resident, Marysville.

Mr. Shankle supported Mr. Wagner's position. He does not think that property owners should be held responsible. He was shocked at the young age of the offenders. In addition to other criminal penalties, Mr. Shankle suggested requiring enrollment of the youth in some sort of an after school art school as a creative outlet. He also suggested the creation of a Marysville Citizens Academy for juniors.

City Attorney Weed clarified that the violation for the property owner would not be a criminal penalty; it would be a civil infraction with a fine up to \$25. He further commented that the City court does not have jurisdiction to handle cases of kids under 18. Staff is working to get the court to understand the impact of this kind of activity.

Chief Turner agreed that they have no intent to criminalize the victims. The intent is to obtain compliance from businesses in removing the graffiti as quickly as possible.

NEW BUSINESS

13. Professional Services Supplemental No. 3 Agreement with KPFF Engineers; State Avenue (116th Street N.E. – 152nd Street N.E.) Corridor Improvements.

Paul Roberts reviewed the PSA and explained that it would provide stormwater design services.

LEGAL

None.

ORDINANCES AND RESOLUTIONS

14. **An Ordinance of the City of Marysville, Washington, Amending Ordinance No. 2655 to Increase the Portion of State Avenue to be Improved to Encompass the Area from Approximately 116th Street NE to Approximately 152nd Street NE, and Adding Land and Property Authorized to be Condemned, Appropriated, Taken and Damaged.**

Paul Roberts commented that this is a standard right-of-way condemnation ordinance which helps the current property owners convey the property and take advantage of existing tax benefits.

15. **An Ordinance of the City of Marysville, Washington Amending Chapter 6.25 of the Marysville Municipal Code Relating to abatement and Removal of Graffiti.**

Discussed above.

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

Chris Holland explained that this is an ordinance for annexing a certain area.

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

Chris Holland explained that this is an ordinance for annexing a certain area. Mary Swenson pointed out that the "Gap Area" is a significant annexation for the City. She commended efforts with the County and with the City of Arlington who helped facilitate getting this into the City. Chris Holland added that they are currently working on the Smokey Point Master Plan.

18. **An Ordinance of the City of Marysville Amending the 2006 Budget and providing for the increase of certain expenditures items as budgeted for in 2006 and Amending Ordinance No. 2604, Amending Ordinance No. 2608, Amending Ordinance No. 2616, Amending Ordinance No. 2619, and Amending Ordinance No. 2679.**

Finance Director Sandy Langdon reviewed amendments to the 2006 budget. The good news was that the sales tax revenue was \$810,000, which exceeded their

expectations. She reviewed other expenses that were being amended such as the jail expenses and legal costs in the General Fund. Other fund amendments included Street Construction, Solid Waste, Golf Course and Utilities Debt Service.

MAYOR'S BUSINESS

None.

STAFF BUSINESS

Chris Holland gave an update on Wal-Mart.

Chief Turner informed Council of the public briefing for elected officials at the PUD Auditorium on Thursday at 7:30 a.m. The topic being discussed is Homeland Security Threats.

Grant Weed indicated the need for an Executive Session to discuss three items – two personnel and one litigation item. Two of those were action items. The time expected for Executive Session was ten minutes.

Mary Swenson said they would be holding off on the red light proposals because of the huge impact on the court that had not been considered. She noted that they had a good meeting in Olympia today to discuss transportation issues.

CALL ON COUNCILMEMBERS

Lee Phillips stated that he would be out of town until Saturday at a Smart Growth Conference. He requested discussion of a sunset for mitigation reimbursement for businesses in Lakewood. Mary Swenson indicated that they might be able to discuss this at the first meeting in March.

Carmen Rasmussen thanked the MSAC volunteers who have been cleaning up graffiti and also the police department for their efforts. She informed Chief Turner that she had heard about drinking issues with the Cedar Field ball fields' dugouts. Chief Turner indicated that his staff would look into this. She said she had gone on a tour with parks folks to King County dog parks. It was very valuable to see the differences.

Jeff Vaughan recognized Mike Robinson for his assistance in apprehending a vandal.

Jeff Seibert thanked the graffiti removal volunteers. He noted that there appears to be an abandoned vehicle on 80th Street. He noted that 80th Street is becoming a truck parking lot at night.

John Soriano thanked those involved with graffiti abatement.

Jon Nehring echoed the thanks to the Graffiti Task Force and to the volunteers. He asked about an update on Strawberry Fields. Mary Swenson said she would check on that.

INFORMATION ITEMS

None.

ADJOURNMENT

Seeing no further business for the Regular Session, Mayor Pro Tem Nehring recessed at 8:30 into Executive Session which was scheduled to begin at 8:35 p.m.

EXECUTIVE SESSION

Council met in Executive Session at 8:40 p.m.; discussed two personnel issues and one litigation issue; and reconvened into Regular Session at 8:50 p.m.

Councilmember Wright moved to authorize the Mayor to sign the settlement agreement as discussed in Executive Session. Councilmember Seibert seconded the motion. **Motion passed unanimously (7-0).**


Councilmember Seibert moved to authorize the Mayor to sign the interlocal agreement regarding the NPDS Phase II appeal and to express a desire to be a part of the steering committee. Councilmember Vaughan seconded the motion. **Motion passed unanimously (7-0).**

There was a brief discussion regarding Arlington's request to assist them with utility service.

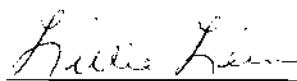
ADJOURNMENT

Seeing no further business, Mayor Pro Tem Nehring adjourned the meeting at approximately 9:10 p.m.

Approved this 12th day of February, 2007.



Mayor
Dennis Kendall



Deputy City Clerk
Lillie Lein



Recording Secretary
Laurie Hugdahl