

**ORIGINAL**

**Marysville City Council Work Session**

**September 17, 2007**

**7:00 p.m.**

**City Hall**

**CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Mayor Dennis Kendall called the September 17, 2007 work session of the Marysville City Council to order at 7:00 p.m. He led those present in the Pledge of Allegiance.

**ROLL CALL**

Finance Director Sandy Langdon gave the roll call. The following staff and councilmembers were in attendance.

**Mayor:** Dennis Kendall

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

**Staff:** Finance Director Sandy Langdon, City Attorney Grant Weed, Community Development Director Gloria Hirashima, Public Works Director Paul Roberts, Chief of Police Rick Smith, Parks and Recreation Director Jim Ballew, Senior Planner Cheryl Dungan, and Recording Secretary Laurie Hugdahl.

**Committee Reports - None**

**Presentations**

**1. Snohomish Conservation District**

Lois Ruskell, Information and Education Coordinator for the Snohomish Conservation District (SCD), explained that they are currently soliciting input from SCDs constituents, partner groups and the public on a proposed assessment, which would fund the District starting in 2009. She gave a PowerPoint presentation regarding the Snohomish Conservation District. Topics covered included:

- SCD Assessment Proposal 2008
- District History – founded in 1941, Works with all land owners who have natural resource management issues and/or concerns on their property, 47 districts in Washington state, 13 districts in Washington state with assessments. Snohomish County is the largest district without an assessment,
- Function – provide citizens with information

- Supported by the Washington State Conservation Commission and the Washington Association of Conservation Districts
- Discussed enabling legislation
- Current organization – district staff, board of supervisors
- Co-housed with the Natural Resources Conservation Service and the Farm Services Agency in an office in Lake Stevens.
- Partnerships with many other agencies
- Current funding, current budget distribution, increased efficiency, budget relationships
- Existing SCD Programs – On-Site Assistance: Resource plans and site visits, liaison between landowners and regulatory agencies, NRCS Technical Oversight, Construction Assistance and Inspection, Best Management Design and Practices
- Cost-Share Program – BMP Implementation, Technical Assistance, Easy application and approval process, SCD often coordinates additional funding sources, work with local contracts to assure success
- Natural Resource Improvement – bioengineering, riparian restoration, wetland enhancement, resource management planning
- Conservation Plant Sale
- Outreach and Education programs
- Benefits of District Partnership – technical resource, ease of use – no interlocal required, fill the gaps where cities feel they lack resources

Councilmember Seibert asked a question about the amount of the funding. Ms. Ruskell explained that it would be \$5 per parcel with a total amount of about \$1.2 million.

Councilmember Rasmussen asked if all the parcels in the county would be affected. Duane Weston, Chair of the Board for SCD, replied that any parcel within the district would be covered with the exception of the downtown area of Everett. He added that the commercial forest land in zoned forested land in the county would also be exempted.

Mayor Kendall asked if this would include city parks and other city facilities. Mr. Weston replied that it would.

There was discussion about how much the county is currently funding them. Ms. Ruskell replied that it was about \$350,000. Council asked if they had considered a lesser dollar amount per parcel. Mr. Monte Marti, Vice Chair of the SCD Board, explained that they had not. They looked at what they currently provide and what they could be providing, especially services to cities and urban areas.

Councilmember Vaughan asked if the district is basically the county. Ms. Ruskell replied that it is the county plus Camano Island. Mr. Marti explained that most of the

districts on the west side of Cascades are the boundaries of a county. In the east, there are some counties that have more than one district. Originally they were developed based on geography.

Councilmember Wright thanked them for the work they have done. She noted that the Snohomish Health District is also funded from the county, plus grants. She expressed concern that other programs funded out of the County Council don't turn to the citizens for funding.

SCD District Manager Kim Levesque stated that they would appreciate a support letter from the City. Mayor Kendall noted that they had a copy of this letter in their packets.

Public Works Director Paul Roberts commented that they need to understand how the work they are doing relates to what the City is already doing under MPDES II.

Rasmussen asked to get information on how this would relate to low impact development and any other efforts that the City is doing.

#### **Action Item**

##### **2. The Ridge at Rock Creek Phase 1-Final Plat Mylar**

City Attorney Grant Weed gave some background on this matter. He explained the concerns that had been expressed last week by Mr. Fink.

Applicant:

Brent Carson, Gordan Durr, 2025 1st Avenue, Seattle, referred to copies of boundary maps by DR Strong that had been distributed. He explained that the boundary survey is south of the line that Cascade Engineering's surveyors surveyed. This shows that there is no encroachment issue. There are a multitude of surveys that agree with DR Strong's survey. Staff also received an email from the Health Department stating that there were no issues at hand with them.

William Rogers, VP Surveying, DR Strong, 28509 NE 149th Place, Duvall, WA 98019, discussed the overall section breakdown for the Ridge at Rock Creek. He pointed out the DR Strong survey line in relation to the Cascade survey line and the location of the drain field and the end caps of that drain field. He explained that how this difference happens is the result of a complete section breakdown of section 25 in Snohomish County. He explained that every county approved plat in the section has been built on this same section breakdown that DR Strong used since 1944. He stated that DR Strong disagrees with the Cascade survey, but whether or not they agree with it, the DR Strong Survey and the Cascade survey do not create an

overlay with one another. There is actually a gap. Again, he stated that there is no encroachment issue and there is no boundary dispute.

Councilmember Rasmussen asked if the wood fence shown on page 2 is the current location of the wood fence. Mr. Rogers affirmed that it was the current location. He added that the fence was moved earlier based on what they consider to be a faulty survey. It is not on what they consider to be the property line and Mr. Fink could move the fence to the line that DR Strong says is the boundary line.

City Attorney Grant Weed asked if the legal description written on the mylar of the plat would be consistent with the line that DR Strong has surveyed. Mr. Rogers replied that it would be.

Public Comment:

Dean Fink, 7131 83rd Avenue NE, Marysville, thanked Mr. Carson and Mr. Rogers for the explanations and the time they have taken on this matter. He stated that his biggest concern for the last two weeks has been the position of the property line because the north version would cross his drain field. The south version would not. He expressed concern because the legs of his drain field were previously open and the drain rocks on them would allow water to flow in directly, but he has looked for the ends of his drain field and cannot find them now. He stated that if they were going to agree to use the south line, that's fine with him, but he would like to have the drain field situation corrected.

Councilmember Seibert asked Mr. Fink if he agreed with the property line as stated by Mr. Rogers. Mr. Fink replied that he did. Councilmember Seibert commented that if he agreed with the line, then it would be up to Mr. Fink to work with Harbor Homes to establish where the end of the drain field is and get that corrected. Mr. Fink stated that he doesn't know if the ends of his two east drain field legs are under the drain rock or not since he cannot find them. Councilmember Seibert asked Mr. Rogers if somebody could meet with Mr. Fink to help him understand this. Mr. Rogers replied that last week their engineers staked what they believe to be the property line.

Staff Comments:

Senior Planner Cheryl Dungan stated that Mr. Fink's September 5, 2007 letter had been forwarded to the Snohomish Health District and Snohomish County. Both had reiterated their statements that all the issues have been resolved.

City Attorney Grant Weed stated that as a result of staff's meeting with the applicant last week, walking through this with them and discussing how the difference between the two survey lines came about, he was satisfied that Mr. Fink's property would not be encroached. He stated that staff is recommending that Council approve the final plat.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to authorize the Mayor to sign the Final Plat Mylar for the Ridge at Rock Creek – Phase I. **Motion** passed unanimously (7-0).

**Discussion Items – None.**

**Approval of Minutes**

3. Approval of September 10, 2007 City Council Meeting Minutes.
4. Approval of September 17, 2007 City Council Work Session Minutes.

**Consent**

5. Approval of September 12, 2007 claims.
6. Approval of September 19, 2007 claims.
7. Approval of September 20, 2007 payroll.
8. Approval of Elite Taxi Cab Corporation a New For-Hire Business to operate in Marysville.

**Review Bids**

9. 66<sup>th</sup> Avenue NE Underdrain and Storm Replacement Project to be awarded.

Mayor Kendall stated that staff's recommendation is to award the bid to Trico Contracting, Inc., in the amount of \$189,907.55 including Washington state sales tax, authorize the Mayor to sign the contract documents, and approve a 5% management reserve of \$9,495.38 for a total project allocation of \$199,402.93. Mr. Roberts distributed a graphic of the project location.

Councilmember Seibert asked if they had done a soil sample to make sure that the underbed is going to work. He commented that there is a considerable amount of clay in this area. Public Works Director Paul Roberts indicated that he would check on this.

10. Parkside Water Main Replacement Project to be awarded.

Mayor Kendall stated that staff is recommending awarding the bid to Parkside Water Main Replacement Project to the apparent low bidder, Trico Construction, Inc., in the amount of \$142,653.09 including Washington state sales tax, authorize the Mayor to

sign the contract documents and approve a 5% management reserve of \$7,100 for a total project allocation of \$149,753.09.

### **Public Hearings - None**

### **Current Business**

11. Acceptance of the Jail Door Controls Project to start the 45-day lien filing period.

Public Works Director Roberts stated that the work was done awhile ago and they are satisfied with it.

### **New Business**

12. A **Resolution** declaring items of personal property to be surplus and authorizing the sale or disposal thereof.

Mayor Kendall explained that this was concerning two wrecked Crown Victoria police cars.

13. SR 528, 47<sup>th</sup> Avenue NE to 67<sup>th</sup> Avenue NE, Road Improvements Snohomish County PUD No. 1 Distribution Easement.

Public Works Director Roberts stated that this is a standard PUD easement. They are obligated to move the lines. He explained that the power lines exist as a function of an easement we provide the PUD and they are changing the lines at their expense. The City's action in this is related to its status as a property owner.

14. Professional Service Agreement with Otak, Inc. to provide consulting services to update the City's Surface Water Comprehensive Plan.

Mayor Kendall stated that this is for preparation and information gathering of surface water information in order to update the City's Comprehensive Plan. Public Works Director Paul Roberts explained that they are required to comply with the NPDES Phase II. One of those areas of compliance is the update of the Comprehensive Plan. He added that they are also asking Otak to help the City get credit for work that has already been done.

Councilmember Soriano asked what potential capital improvement projects might arise from this. Director Roberts replied that it could be various things such as drainage systems, catch basins, and surface water management systems.

15. Northwest Management System Contract to perform and update the City's Pavement Management System Study.

Director Paul Roberts explained that this would provide an assessment of the pavement system. This would also include the anticipated annexation area to the north. The assessment would be completed by the second quarter of next year.

16. 2007 Comprehensive Plan Amendments.

Mayor Kendall reviewed the options open to the Council for action at the next meeting.

Gloria Hirashima noted that they had prepared the full record for the Council. There are ten separate amendment proposals. She gave some background on the requests. Director Hirashima explained that the Planning Commission had recommended remanding City-initiated proposals 5 and 6 back to staff for additional neighborhood meetings.

Councilmember Seibert asked how all of this would affect the City's ability to collect traffic mitigation fees in that area for plats that are being developed. City Attorney Weed responded that until Council adopts an ordinance amending traffic fee amounts, any permitted plats are vested under the old fee.

Councilmember Seibert asked if these amendments could be considered separately. City Attorney Weed affirmed that each amendment should be considered separately.

17. A Recreation and Conservation Office **Resolution** for Youth Athletic Fund Grant Application.

This is for installation of a comprehensive drainage system and two ball deflection net systems at Strawberry Fields Park. The resolution will be in the packet for next week.

**Legal – None.**

**Mayor's Business**

At the next meeting there will be an RTID and Sound Transit transportation package.

Mayor Kendall submitted a proposal that Cities and Towns look at "One City, One Vote" for all of the business that they conduct. Councilmember Seibert explained that there would have to be a by-laws change in order to allow this. He expressed some concerns about the One City, One Vote concept. Mayor Kendall expressed a concern that the group is not organized to be an action-oriented group. Councilmember Seibert concurred.

October 29<sup>th</sup> is a 5<sup>th</sup> Monday and the school district has requested a joint meeting. Prior to that Dr. Nyland has requested some time on one of the agendas to discuss where they are on the school process.

The new Sunnyside reservoir paint job is gorgeous!

### **Staff Business**

Jim Ballew commended Chief Smith and Commander Lamoureux for a job well done. They have made four arrests in the last five days in Comeford Park.

Sandy Langdon discussed options for the budget workshops. There was consensus to hold them on October 23 and 25 from 5 to 9. Tuesday will be held at the courthouse, but Thursday will be at City Hall.

Finance Committee meeting moved to September 26th.

Chief Smith postponed the Public Safety meeting until next month.

Director Meetings for the budget will be held on October 8 from 9 to 4.

Grant Weed responded to Council's request for more information about the city's authority to enact standards for sex offender residency. He gave a quick overview of state law that creates a community protection zone. He summarized that the strictest law the cities can go with is the state law. The city code cannot be more restrictive than the state code.

### **Call on Councilmembers**

John Soriano noted that Kayla Flynn's last day with the City was last week. He commented that he enjoyed working with her during her time with the city.

Jon Nehring thanked the Mayor for his letter to Kelley Boren. He asked how they verified the sound part of this. Director Hirashima explained that they were required to do a sound study as part of their civil plan. Councilmember Nehring asked how long it would be until the trees are grown. Director Hirashima indicated that she could get dimensions on those.

Councilmember Nehring got a call from the owner of Boondockers about putting a sign up on 4th street. Mayor Kendall said he had contacted him as well and the mayor had discussed this with him. They are recommending that the Chamber get in touch with him for assistance with his issues.

Carmen Rasmussen said she and Councilmember Vaughan attended a Graffiti Task Force meeting. There had been discussion about the need for legislation that would impose a civil penalty similar to shoplifting. She suggested that it might be valuable for the City to contact a legislator who would be favorable to introducing this as well as contacting WASPC. Mayor Kendall encouraged her to proceed

with this. Councilmember Seibert suggested also addressing that at Cities and Towns.

Jeff Seibert referred to an email attachment that they had received. He requested information about who sent the information in order to better understand the slant of the writer. Donna Wright explained that it was an attachment to an email that she had received. She thought it was from Master Builders Association.

Councilmember Seibert noted that on 80th street there was a development that cut the road and Council had discussed checking on how the road was repaired. He stated that the houses are now for sale and the road is still not corrected.

Director Hirashima indicated that she would check on that.

Councilmember Seibert referred to construction on 88th on the overpass. He suggested checking with DOT to see the status of lights because they seemed to be malfunctioning today.

Lee Phillips asked if the lights on Beach Street had been replaced. Mayor Kendall thought that they were because they were called in on that day.

Councilmember Phillips thanked Officers Riches, Buell, and Gouldspie who were very swift in catching kids vandalizing Fred Meyer and K-Mart.

#### **Information Items - None**

#### **Adjournment**

Seeing no further business, Mayor Kendall adjourned the meeting at 8:52 p.m.

Approved this 24<sup>th</sup> day of September, 2007.

Dennis Kendall  
Mayor  
Dennis Kendall

Tracy Jeffries  
Asst. Admin. Svcs. Director  
Tracy Jeffries

Laurie Hugdahl  
Recording Secretary  
Laurie Hugdahl