

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
Excuse the absence of Councilmember Wright at this meeting.	Approved
<b>Presentations</b>	
<b>Approval of Minutes</b>	
Approve May 18, 2009 City Council Work Session Minutes.	Approved
Approve May 26, 2009 City Council Meeting Minutes.	Approved
<b>Consent Agenda</b>	
Approval of May 20, 2009 Claims in the Amount of \$234,783.77; Paid by Check No.'s 55820 through 55959 with No Check No.'s Voided.	Approved
Approval of May 27, 2009 Claims in the Amount of \$467,564.76; Paid by Check No.'s 55960 through 56095 with Check No.'s 50944 and 55644 Voided.	Approved
Acceptance of the Grove and Alder Avenue Intersection Improvements Project Starting the 45-Day Lien Filing Period for Project Closeout.	Approved
Authorize the Mayor to Sign the Project Prospectus and Local Agency Agreement with Washington State Department of Transportation for the 67th Avenue NE Overlay Project.	Approved
Approval of Wolley Dispatch, Inc. dba Ace Taxi to Operate a For-Hire Business in Marysville.	Approved
Approval of Firework Stand Permits for Albertsons #471 (1 Stand), Marysville First Assembly (1 Stand), Marysville Kiwanis (5 Stands), and Mountain View Assembly of God (1 Stand).	Approved
<b>Review Bids</b>	
Award 2009 Solid Waste Container Purchase to Capital Industries, Inc. in the Amount of \$46,241.88 Including Washington State Sales Tax.	Approved
<b>Public Hearings</b>	
<b>New Business</b>	
Approve the Concessionaire Agreement for Jennings Memorial Park Agreement.	Approved
Adopt an Ordinance of the City of Marysville, Washington, Amending Sections 3.92.020 and 3.92.030 of the Marysville Municipal Code to Clarify the Amount Paid for Prizes and to Allow for all Bona fide Charitable of Non-Profit Organizations, as Defined in RCW 9.46.0209, to be Exempt from the Tax on Raffles.	Approved Ord. No. 2773
Adopt an Ordinance of the City of Marysville, Washington, Related to Utility Connection Requirements, Amending Section 14.01.050 Utility Connections Required and Adding a New Section 14.01.055 Water Connection Required.	Approved Ord. No. 2774
Adopt an Ordinance of the City of Marysville, Washington, Amending MMC 14.07.010(1), Relating to Payment of Capital Improvement Charges for Water and Sewer Utility Connections.	Approved Ord. No. 2775
Adopt an Ordinance of the City of Marysville, Washington, Amending the City's Development Regulations Relating to Residential Accessory Structures and Accessory Dwelling Units, and Amending Chapters 19.08 and 19.34 of the Marysville Municipal Code.	Approved Ord. No. 2776

Adopt an Ordinance of the City of Marysville, Washington, Amending the 2009 Budget and Providing for the Adjustment of Certain Expenditure Items as Budgeted for in 2009 and Amending Ordinance No. 2751, Amending Ordinance No. 2761, and Amending Ordinance No. 2764.	Approved Ord. No. 2777
Adopt an Ordinance of the City of Marysville, Washington Amending Sections 3.67.010 of the Marysville Code to increase the City Tax Rate from Six Percent of Gross Receipts to Fifteen Percent of Gross Receipts.	Approved Ord. No. 2778
Adopt a Resolution of the City of Marysville, Washington Authorizing a \$1,776,565.00 Interfund Loan From the Water Sewer Operating Fund 401 to the Parks Capital Improvement Fund 310, and Providing for Payment and a Formula for Payment of interest.	Approved Res. No. 2262
<b>Legal</b>	
<b>Mayor's Business</b>	
<b>Staff Business</b>	
Approve the \$5,000 severance package.	Approved
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	8:14
<b>Executive Session</b>	8:25
Real Estate – two items pursuant to RCW 42.30.110 (1) (b)	
Extend Executive Session by 10 minutes.	Approved
Extend Executive Session by 10 minutes.	Approved
Authorize the Mayor to execute the second addendum to the purchase and sale contract as discussed in Executive Session.	Approved
<b>Adjournment</b>	9:06

# COUNCIL



# MINUTES

## **Regular Meeting** June 8, 2009

### **Call to Order / Invocation / Pledge of Allegiance**

Mayor Kendall called the June 8, 2009 to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

### **Roll Call**

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

**Mayor:** Dennis Kendall

**Council:** Councilmember Jon Nehring, Councilmember Lee Phillips, Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano and Councilmember Jeff Vaughan

**Absent:** Councilmember Donna Wright

**Also Present:** City Administrator Mary Swenson, Finance Director Sandy Langdon, Community Development Director Gloria Hirashima City Attorney Grant Weed, Robb Lamoureux, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Planning Manager Cheryl Dungan, Community Information Officer Doug Buell and Asst. Admin. Services Director Tracy Jeffries.

Mary Swenson informed everyone that Councilmember Wright was out of town.

**Motion** made by Councilmember Nehring, seconded by Councilmember Soriano, to excuse Councilmember Wright. **Motion** passed unanimously (6-0).

### **Committee Reports**

Councilmember Seibert reported on the recent Finance Committee meeting where they reviewed sales tax numbers and a budget amendment that will be coming to Council tonight.

He also reported on the Public Works Committee meeting where the following topics were discussed: NPDES permit, permit appeals, stormwater management program, title 14 revisions, surface water in the central annexation, and north Marysville project updates.

Councilmember Vaughan reported on the June 4 Graffiti Task Force meeting. The following items were reported:

- There has been a considerable improvement in the number of graffiti incidents since 2008.
- Two juveniles were recently arrested after they were caught on camera at Jennings and Comeford Parks.
- Jim Ballew reported on a grant that staff is applying for through the Graffiti Hurts organization. They are trying to get funds to help with clean-up efforts and to produce educational materials for young people and their families.
- A recent graffiti clean-up effort by Rite-Aid employees.
- A representative from the school district security office reported that a youth was charged with etching. The damage to the school district was \$60,000.

## **Presentations**

### **Audience Participation - None**

### **Approval of Minutes**

1. Approval of May 18, 2009 City Council Work Session Minutes.

Councilmember Phillips abstained as he wasn't present for the May 18 meeting.

**Motion** made by Councilmember Seibert, seconded by Councilmember Vaughan, to approve the minutes as presented with Councilmember Phillips abstaining. **Motion** passed unanimously (5-0).

2. Approval of May 26, 2009 City Council Meeting Minutes.

Councilmember Rasmussen noted a spelling correction on page 5 of 6 for the spelling of Maryke Burgess' name.

**Motion** made by Councilmember Nehring, seconded by Councilmember Soriano, to approve the minutes as corrected. **Motion** passed unanimously (6-0)

### **Consent Agenda**

**Motion** made by Councilmember Soriano, seconded by Councilmember Vaughan, to adopt the following Consent Agenda items:

3. Approval of May 20, 2009 Claims in the Amount of \$234,783.77; Paid by Check No.'s 55820 through 55959 with No Check No.'s Voided.
4. Approval of May 27, 2009 Claims in the Amount of \$467,564.76; Paid by Check No.'s 55960 through 56095 with Check No.'s 50944 and 55644 Voided.
6. Acceptance of the Grove and Alder Avenue Intersection Improvements Project Starting the 45-Day Lien Filing Period for Project Closeout.
7. Authorize the Mayor to Sign the Project Prospectus and Local Agency Agreement with Washington State Department of Transportation for the 67<sup>th</sup> Avenue NE Overlay Project.
8. Approval of Wolley Dispatch, Inc. dba Ace Taxi to Operate a For-Hire Business in Marysville.
9. Approval of Firework Stand Permits for Albertsons #471 (1 Stand), Marysville First Assembly (1 Stand), Marysville Kiwanis (5 Stands), and Mountain View Assembly of God (1 Stand).

**Motion** passed unanimously (6-0) to adopt the Consent Agenda.

#### **Review Bids**

5. Award 2009 Solid Waste Container Purchase to Capital Industries, Inc. in the Amount of \$46,241.88 Including Washington State Sales Tax.

**Motion** made by Councilmember Nehring, seconded by Councilmember Seibert to award the 2009 Solid Waste Container Purchase to Capital Industries, Inc. in the Amount of \$46,241.88 Including Washington State Sales Tax . **Motion** passed unanimously (6-0).

#### **New Business**

10. Concessionaire Agreement for Jennings Memorial Park.

Councilmember Seibert asked Grant Weed asked if the concessionaires would be required to pay prevailing wage. Grant Weed did not think that the prevailing wage act would apply, but they would be required to cover their employees for unemployment, do the standard withholdings for taxes, etc. There was discussion about the requirements for contractors.

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Seibert, to approve the Concessionaire Agreement for Jennings Memorial Park Agreement. **Motion** passed unanimously (6-0).

11. An **Ordinance** of the City of Marysville, Washington, Amending Sections 3.92.020 and 3.92.030 of the Marysville Municipal Code to Clarify the Amount Paid for Prizes and to Allow for all Bona fide Charitable of Non-Profit Organizations, as Defined in RCW 9.46.0209, to be Exempt from the Tax on Raffles.

**Motion** made by Councilmember Phillips, seconded by Councilmember Seibert, to approve **Ordinance #2773** of the City of Marysville, Washington, Amending Sections 3.92.020 and 3.92.030 of the Marysville Municipal Code to Clarify the Amount Paid for Prizes and to Allow for all Bona fide Charitable of Non-Profit Organizations, as Defined in RCW 9.46.0209, to be Exempt from the Tax on Raffles. **Motion** passed unanimously (6-0).

12. An **Ordinance** of the City of Marysville, Washington, Related to Utility Connection Requirements, Amending Section 14.01.050 Utility Connections Required and Adding a New Section 14.01.055 Water Connection Required.

**Motion** made by Councilmember Soriano, seconded by Councilmember Vaughan to approve **Ordinance #2774** of the City of Marysville, Washington, Related to Utility Connection Requirements, Amending Section 14.01.050 Utility Connections Required and Adding a New Section 14.01.055 Water Connection Required. **Motion** passed unanimously (6-0).

13. An **Ordinance** of the City of Marysville, Washington, Amending MMC 14.07.010(1), Relating to Payment of Capital Improvement Charges for Water and Sewer Utility Connections.

Councilmember Soriano stated that there is a spelling error on the last term in the agreement, "Connections".

**Motion** made by Councilmember Soriano, seconded by Councilmember Nehring, to approve **Ordinance #2775** of the City of Marysville, Washington, Amending MMC 14.07.010(1), Relating to Payment of Capital Improvement Charges for Water and Sewer Utility Connections with spelling correction. **Motion** passed unanimously (6-0).

14. An **Ordinance** of the City of Marysville, Washington, Amending the City's Development Regulations Relating to Residential Accessory Structures and Accessory Dwelling Units, and Amending Chapters 19.08 and 19.34 of the Marysville Municipal Code.

Gloria Hirashima reviewed the three changes that had been made.

Councilmember Seibert thanked Director Hirashima for incorporating changes as discussed by Council. He commented that although he felt that a person should be allowed to build a garage the size that they want, he would be supporting this item. He expressed appreciation for the work done by the Planning Commission and Community Development on this.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Nehring, to approve the **Ordinance #2776** of the City of Marysville, Washington, Amending the City's Development Regulations Relating to Residential Accessory Structures and Accessory Dwelling Units, and Amending Chapters 19.08 and 19.34 of the Marysville Municipal Code. **Motion** passed unanimously (6-0).

15. An **Ordinance** of the City of Marysville, Washington, Amending the 2009 Budget and Providing for the Adjustment of Certain Expenditure Items as Budgeted for in 2009 and Amending Ordinance No. 2751, Amending Ordinance No. 2761, and Amending Ordinance No. 2764.

Finance Director Sandy Langdon handed out copies of ordinances and a resolution related to this item. She then reviewed a PowerPoint presentation regarding the Budget Update 2009 which was delivered to supervisors last week.

Councilmember Lee Phillips asked if they planned to replenish the fund balance transfers if things turn around. Director Langdon stated that they could do that.

Councilmember Nehring thanked Sandy and staff for the hard decisions they had to make on the budget.

Councilmember Soriano complimented the work done by staff.

**Motion** made by Councilmember Nehring, seconded by Councilmember Seibert, to approve **Ordinance #2777** of the City of Marysville, Washington, Amending the 2009 Budget and Providing for the Adjustment of Certain Expenditure Items as Budgeted for in 2009 and Amending Ordinance No. 2751, Amending Ordinance No. 2761, and Amending Ordinance No. 2764. **Motion** passed unanimously (6-0).

16. An **Ordinance** of the City of Marysville, Washington Amending Sections 3.67.010 of the Marysville Code to increase the City Tax Rate from Six Percent of Gross Receipts to Fifteen Percent of Gross Receipts.

**Motion** made by Councilmember Soriano, seconded by Councilmember Seibert, to approve **Ordinance #2778** of the City of Marysville, Washington Amending Sections 3.67.010 of the Marysville Code to increase the City Tax Rate from Six Percent of Gross Receipts to Fifteen Percent of Gross Receipts. **Motion** passed unanimously (6-0).

17. A **Resolution** of the City of Marysville, Washington Authorizing a \$1,776,565.00 Interfund Loan From the Water Sewer Operating Fund 401 to the Parks Capital Improvement Fund 310, and Providing for Payment and a Formula for Payment of interest.

**Motion** made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve **Resolution #2262** of the City of Marysville, Washington Authorizing a \$1,776,565.00 Interfund Loan from the Water Sewer Operating Fund 401 to the Street

Construction Fund 310, and Providing for Payment and a Formula for Payment of interest. **Motion** passed unanimously (6-0).

### **Mayor's Business**

- Attended a ribbon-cutting event on Saturday at the new AT&T complex at Lakewood.
- There will be an open evening on Thursday at the new Sushi Belt in the Lakewood Crossing area.
- The Healthy Communities Challenge Day was great and so was the Friday night news conference on TV.

### **Staff Business**

Kevin Nielsen:

- There is a sink hole on State Avenue about 100 feet south of 76<sup>th</sup> which staff will be addressing.
- Weather has been really nice but staff has been dealing with blooms of algae in the waste water treatment ponds.
- Some of the garbage routes will be changing as of July 1<sup>st</sup> to improve efficiency.
- Good news from WSDOT – Received an approval letter for break-in-access for Highway 9 with some conditions. CAO Swenson commended Kevin Nielsen for his part in this.

Rob Lamoureux

- Staff is investigating a homicide that occurred over the weekend.
- Hilton Pharmacy was robbed at gunpoint today.

Jim Ballew:

- He had a great weekend with the Healthy Communities Challenge Day. There were approximately 48 vendors and 2500 to 3000 people who attended. He thanked staff for all their work on this event. He also thanked Councilmember Soriano and Councilmember Rasmussen, Marysville School District and the YMCA for helping out.
- Strawberry Festival is next week. The trike race is being moved from the Waterfront Park to Asbury Field.

Doug Buell discussed a transfer of control of the franchise with Verizon and the option of joining a consortium. Grant Weed further discussed the interlocal agreement and asked for direction from the Council. He stated that if Marysville would need specific negotiating on a specific point that benefits just Marysville it would not be included in the Interlocal agreement. Also, the initial Interlocal agreement has a monetary cap for the payment of the consultant and for legal services.

Grant Weed requested an executive session to discuss two items regarding acquisition



of real estate which he expected to take approximately 15 to 20 minutes. Action was expected.

Gloria Hirashima congratulated Jim Ballew on the successful Healthy Communities Challenge Day.

Sandy Langdon stated that the auditors would be wrapping up their site work this week.

Mary Swenson:

- She commended Jim Ballew on the Healthy Communities Challenge Day.
- She announced that she has been notified by DOR that Sgt. Gunderson has been put into the LEOFF 1 system.
- She requested a motion from Council to approve a \$5,000 severance package for employees who would need to be laid off.

**Motion** made by Councilmember Phillips, seconded by Councilmember Seibert to approve the \$5,000 severance package. **Motion** passed unanimously (6-0).

### **Call on Councilmembers**

Carmen Rasmussen enjoyed the Healthy Communities Challenge Day. She stressed the importance of the event for the citizens of the Marysville. She attended a separate event where there were some queries about the annexation. She recommended continuing to direct correct information out to the potential annexation areas.

Lee Phillips had no comments.

John Soriano praised the success of the Healthy Communities Challenge Day. He commended all the staff and volunteers involved in that event. Last week he attended a Sno-Isle Commissioners meeting in which Skagit County was reviewing an MCI mass casualty incident. He asked if these simulation events happen on a regular cycle in Marysville. Commander Lamoureux explained that when DEM wants to do an event they just the word out.

Jon Nehring also enjoyed the Healthy Communities Event and congratulated those responsible for it.

Jeff Vaughan asked for an explanation about a letter from the Gambling Commissioner regarding the Class 3 Gaming Compact with the Tulalip Tribes. Grant Weed stated that it was notification of two different opportunities for the City (or anybody else) to comment. He indicated he would review this further and bring back more information for Council.

Jeff Seibert congratulated and thanked those involved in the Healthy Communities Challenge Day. He commended Kevin Nielsen and everyone who worked on the break-in-access issue.

Council recessed at 8:14 p.m. for a short break before reconvening into a 20-minute Executive Session to discuss acquisition of two real estate items with action expected on one item.

### Executive Session

Council entered into Executive Session at 8:25 p.m.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Seibert to extend Executive Session 10 minutes. **Motion** passed unanimously (6-0).

**Motion** made by Councilmember Seibert, seconded by Councilmember Vaughan to extend Executive Session 10 minutes. **Motion** passed unanimously (6-0).

#### A. Litigation

#### B. Personnel

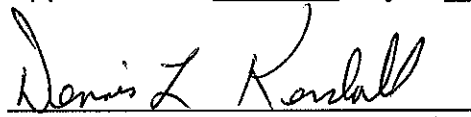
#### C. Real Estate – two items pursuant to RCW 42.30.110 (1) (b)

### Adjournment

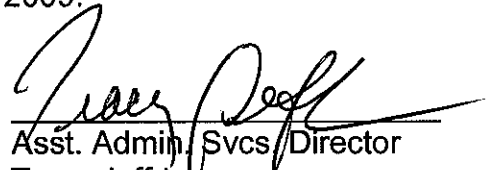
**Motion** made by Councilmember Seibert, seconded by Councilmember Phillips to authorize the Mayor to execute the second addendum to the purchase and sale contract as discussed in Executive Session. **Motion** passed unanimously (6-0).

Seeing no further business Mayor Kendall adjourned the meeting at 9:06 p.m.

Approved this 22<sup>ND</sup> day of June, 2009.



Mayor  
Dennis Kendall



Asst. Admin. Svcs. Director  
Tracy Jeffries