

COUNCIL



MINUTES

Work Session
July 20, 2009

Call to Order / Pledge of Allegiance

Mayor Kendall called the meeting to order at 7:00 p.m. and 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: Councilmember Jon Nehring, Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano, Councilmember Jeff Vaughan and Councilmember Donna Wright

Absent: Councilmember Lee Phillips

Also Present: Chief Administrative Officer Mary Swenson, Finance Director Sandy Langdon, City Attorney Grant Weed, Chief Smith, Community Development Director Gloria Hirashima, City Engineer John Cowling, Senior Planner Chris Holland, Parks and Recreation Director Jim Ballew, Court Administrator Suzanne Elsner, Engineering Services Manager Shawn Smith and Asst. Admin. Services Director Tracy Jeffries.

Mary Swenson informed council that Councilmember Phillips called to say he would not be present due to a family matter.

Committee Reports

Discussion Items

Approval of Minutes

1. Approval of July 6, 2009 City Council Work Session Minutes.

2. Approval of July 13, 2009 Joint Marysville City Council and Snohomish County Council Meeting Minutes.

Consent

3. Approval of July 8, 2009 Claims in the Amount of \$93,673.75; Paid by Check No.'s 56782 through 56877 with no Check No.'s Voided.
4. Approval of July 15, 2009 Claims.
5. Approval of July 22, 2009 Claims.
6. Approval of July 20, 2009 Payroll.

Review Bids

7. Award 67th Avenue NE Overlay Project.

John Cowling informed Council that the bid opening was last Thursday. Low bid was \$427,000. There will be enough from the federal funds to cover the project.

8. Award Jones Creek Flood Damage Repairs Projects

John Cowling stated that the bid opening is scheduled for Wednesday, July 22. Councilmember Seibert asked about the project. Mr. Cowling explained that they will be filling the detention pipe and doing stream restoration.

Public Hearings

9. Discussion Related to the Adoption of a Six Year Transportation Improvement Program (2010-2015) in Accordance with RCW 35-77-010. (Public Hearing will be held July 27th)

John Cowling stated that there would be a presentation and hearing next Monday regarding the Six-Year TIP.

New Business

10. Amendment No. 3 to the Janitorial Services Contract between the City of Marysville and Advantage Building Services in the Amount of \$14,551.86.

John Cowling explained that they are extending the existing contract for a few months until the state's bid is ready to process through them.

11. 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Application.

Suzanne Elsner reported that they are working in conjunction with police corrections on this grant. They hope to obtain the grant to cover the costs of video hearing equipment which will enable them to link the courthouse with the city jail as well as with Snohomish County jail. This will reduce the transportation of inmates.

Carmen Rasmussen was very enthusiastic about this improvement. She commended staff on the excellent grant proposal. Ms. Elsner stated that Commander Krusey worked very hard on the grant.

12. Fourth Amendment to Interlocal Agreement for Municipal Court Services between the City of Marysville and the City of Lake Stevens Increasing Fees to \$42.00 for Infractions and \$90.00 for Criminal Citations; and for Renewal of the Agreement through December 31, 2011; and Revising the Notice Period for Termination.

Suzanne Elsner stated that this is the same amendment and dollar amount that they did with Arlington. Additionally, the Lake Stevens agreement will revise the termination agreement between the cities.

13. Interlocal Agreement between the City of Anacortes, Port of Anacortes, and City of Marysville for Outdoor Video Services.

Jim Ballew stated that this is between the City of Anacortes and the Port of Anacortes to provide Marysville's equipment for an outdoor movie for their parks and recreation program on August 28. Staff will travel up there with the equipment and put on the event for them as they are considering this as an opportunity.

Jeff Seibert commended Parks and Recreation for doing such a good job that others have asked for their assistance.

14. Project Prospectus and State Funding Agreement with Washington State Department of Transportation for the 47th Avenue NE Improvements Project.

John Cowling stated that this agreement sets up the City's ability to bill the state for the funds for Safe Routes to School as it is constructed. They are hoping to go to bid in August or September.

John Soriano asked about the video detection. Mr. Cowling stated that it is for traffic detection, not enforcement.

15. Supplemental Agreement No. 1 to Professional Services Agreement for City of Marysville with AmTest, Inc. in the Amount of \$66,795.00 for Water Quality Testing Services.

John Cowling stated that staff is recommending renewal of the contract for another year at the same contract amount. This company does the water quality testing and reporting for our drinking water.

16. Hotel/Motel Tax Committee Recommends the Allocation of \$70,259 from Hotel/Motel Tax Revenues as Follows: \$15,000 to Maryfest; \$18,000 to Marysville Historical Society; \$3,674 to Northwest Agriculture Business Center; \$8,000 to Marysville Police Department (Special Events); \$8,500 to City of Marysville (Passport to Parks); \$5,500 to City of Marysville (Visitors Guides); \$2,185 to Marysville Dog Owners; \$5,000 to Marysville Police Department (Motor Office Training); \$2,500 to City of Marysville (Streets) and \$1,900 to City of Marysville (Solid Waste).

Mayor Kendall noted that Councilmember Phillips chairs this committee, but is absent tonight. He discussed options available to Council for addressing this item.

- Carmen Rasmussen stated she would be out of town next Monday, but wanted to express her recommendation. She expressed concerns with not funding the requests from police, streets and solid waste. She felt they should be fully funded due to their impacts on tourism.
- Jeff Vaughn stated he thought it should be held over to September.
- Jon Nehring agreed it should be held over until September.
- Donna Wright agreed it should be held over until September. She noticed there were several issues with forms not being filled out correctly or completely.
- Mary Swenson discussed some of the issues that had occurred with the city's applications.
- Jeff Seibert said he didn't mind waiting until September for this. He asked if the committee has the authority to arbitrarily cut back the amount of money that goes to a project when there is enough money to fully fund all the applications. CAO Swenson said that it is a committee recommendation to the Council, but the Council has final authority on it.
- Grant Weed added that there is a section in state law that relates to this. He discussed the two possible interpretations of the law.
- Jeff Seibert discussed concerns with not fully funding the applications when the money is available. He recommended relaying this to the committee.
- Jon Nehring explained that the tax on the hotels is to spend the money to bring in more revenue through tourism and if we leave the money sitting in the account it doesn't accomplish the purpose of the tax. He didn't understand why they wouldn't fully fund the requests.
- Carmen Rasmussen expressed further concern with the partial funding. She spoke against punitive measures for the application process. She spoke of the tremendous amount of work that goes into the Strawberry Festival from the police department. If this were not funded it would be very noticeable.

- Donna Wright commented that it doesn't seem that MaryFest realizes just how much the City spends on the Strawberry Festival. She suggested that an accounting be given to their board of directors to inform them.
- Jeff Seibert requested more information about the scoring information.
- Tracy Jeffries will get the scoring totals to the Council. Council decided to continue this item to the first cycle in September.

17. Recovery Contracts Amendments to the Marysville Municipal Code (MMC) 14.07.09, 14.16.130, 18.24.045, and 14.07.005.

Shawn Smith explained that this is for three recovery contracts. He reviewed the following additional changes:

- Required public notice
- Minimum distance which is consistent with the 200-foot rule
- Fee raised to \$500 minimum

Jeff Seibert asked about recent changes to the requirement for hooking up to water/sewer regardless of distance. Gloria Hirashima stated that the change he was referring to was only for new development. Councilmember Seibert asked if it would be more appropriate to have a dollar amount rather than the 200-foot minimum. Mr. Smith explained why they had decided on the 200-foot rule rather than the dollar amount. Councilmember Seibert asked if there is an opportunity for a variance. Mr. Smith stated that they had discussed the potential of allowing a variance for some cases. Councilmember Seibert discussed concerns he has frequently heard related to this issue. Director Hirashima suggested that they could look back at their notes and bring back a dollar amount if that was what Council wanted. Councilmember Seibert said he just had concerns about how this would impact some people.

Councilmember Seibert asked if it was really necessary for a hearing to be held with the City Council. He thought most of these hearings went to the Hearing Examiner now. Grant Weed explained he would look into this. Mr. Smith added that this section was added to make it consistent with the storm and roads sections.

18. A **Resolution** of the City of Marysville Announcing the Retirement of K-9 Police Dog Radar and Therefore Declaring the K-9 Police Dog Radar to be Surplus and Authorizing the Sale of the K-9 Police Dog Radar.

Chief Smith stated that the dog had a medical condition and was treated by a vet. If the dog had one more issue with its back or hips it would have been permanently disabled. This decision was made to protect the dog. He added that Officer Dreyer will be a master handler who can train new dogs.

19. Agreement between the City of Marysville and Stacey Dreyer for Ownership of Retired K-9 Officer Radar.
20. A **Resolution** of the City of Marysville Adopting a Six-Year Transportation Improvement Program (2010-2015).
21. A **Resolution** of the City of Marysville Declaring 18,000 Old Water Meters of Personal Property to be Surplus and Authorizing the Sale of Disposal Thereof.

John Cowling indicated that these might be sold for scrap metal and to smaller districts.

22. A **Resolution** of the City of Marysville for the Central Marysville Annexation.

Staff explained that this would be ready for next week's packet.

23. An **Ordinance** of the City of Marysville, Washington, Adopting the 2009 City of Marysville Water Comprehensive Plan.

Chris Holland stated that the Department of Health requires adoption of a Water Comprehensive Plan every six years. He explained that the plan contains the projects that they foresee in order to have the water to meet the population forecasts in the updated Comprehensive Plan. There are no rate changes at this time.

24. An **Ordinance** of the City of Marysville, Washington, Adopting Stormwater Management Regulations for Illegal Discharges Pursuant to the Western Washington Phase II Municipal Stormwater Permit Issued to the City by the Washington State Department of Ecology, Adopting Related Code Amendments, and Amending Chapters 3.20, and 19.22, and Adopting Chapter 14.21, of the Marysville Municipal Code.

John Cowling explained that this pertains to illegal and illicit discharge.

John Soriano asked about heated water being an illegal discharge. Mr. Cowling explained that they need to monitor temperature when discharging into fish-bearing streams.

25. An **Ordinance** of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking and Damaging of Land and Other Property for the Construction of Ingraham Boulevard between 67th Avenue NE and 74th Drive NE.

John Cowling stated that they need a small section from a property due to the required radius of the road. They are hoping not to go to condemnation with this.

Carmen Rasmussen asked if they are still on track to have the road ready at the time of the new high school opening. Mr. Cowling confirmed that they are still on track.

26. An **Ordinance** of the City of Marysville, Washington Relating to Extensions of Development Approval Expiration Periods Relating to Substantial Revisions of County Approved Plats, and Amending Sections 15.09.080, 16.04.010, 19.52.090, 20.12.120, 20.20.080, and 20.48.050, and Adopting Section 20.12.130, of the Marysville Municipal Code.

Gloria Hirashima remarked that this relates to delays they are seeing on plat construction due to the financing environment. This ordinance would allow for extension of approval periods for short subdivisions, conditional use permits, binding site plans, construction plans and building permits.

Jeff Seibert asked if there was any benefit to the city by doing this. Director Hirashima explained that it was mainly to try to work with the development community; however there was a benefit to the city in that staff would not have to review the same application twice. Councilmember Seibert asked if there was any harm that may come from allowing them to extend their permit. Director Hirashima did not think so. She noted that there is a sunset clause in this. Councilmember Seibert asked how changes that might be forced on the City by federal or state governments would fit into this. Director Hirashima stated that the state has very strong vesting provisions. The rules that were in place at the time the application is submitted are the rules that relate to that development regardless of how long it takes to reach building permit occupancy. City Attorney Grant Weed agreed and added that any new mandates would not be applicable to projects that were already vested.

Director Hirashima pointed out a provision in 20.12.320 on 26-15 relating plat approvals already granted by Snohomish County. This would allow the applicant to seek a development agreement with the City where they could retain vested rights for those specific limited land-use regulations in consideration of construction and/or installation of the county infrastructure. There was discussion about application and impacts of this provision.

27. An **Ordinance** of the City Council of the City of Marysville, Washington Enacting a New Chapter 19.51 Marysville Municipal Code Consolidating and Establishing Terms for Acceptable Security for Performance and Maintenance of Improvements Associated with Development and Amending the Following Sections of the Municipal Code to Make Them Consistent with the Provisions of the New Chapter: 15.20.010, 19.16.030, 19.24.150(2), 19.24.270(2), 19.24.300(3), 19.28.060(2), 19.38.040(8), 19.40.080, 19.42.130(9), 20.24.240, 20.24.260, 20.56.270, and 20.56.290.

Shawn Smith reviewed this item. Gloria Hirashima added that the City Attorney also reviewed this for consistency with all related sections in the city code. This will help ensure that the city's bonds are covering costs. Grant Weed discussed the benefits of this ordinance.

Mayor's Business

28. Park Board Reappointments; Gayle Bluhm and John Myers.

Other Business:

- Mayor Kendall will be attending ribbon-cutting at the remodeled Wal-Mart on Wednesday morning, July 22.
- There will be a ribbon-cutting at Pacific Rim Supper Club on Thursday, July 23 at 6 p.m.
- Audit exit interview will be on 2:00 p.m. on Thursday.

Staff Business

Jim Ballew:

- He discussed recent fires in the community.
- The All-Comers track meet begins Thursday at 6:00 p.m.
- NSA World Series started this weekend. 23 teams will be playing in Marysville.
- Foothills movie had 350 people in attendance.

Suzanne Elsner gave an update on the collection amnesty program. Marysville's portion was approximately \$90,000 on 186 tickets for one month.

John Cowling:

- They are nearing completion of the water main replacement for the 47th Avenue project.
- Crews have also been working on water main relocation in the county at 51st and 100th for the signal they will be putting in there.
- State Avenue utilities are in the ground. Curbs, sidewalks, and planter strips are going in now.

Sandy Langdon

- She is on a committee with AWC to track and get some clarification of I-1033 regarding limiting general fund revenues to IPD and growth. This has enough signatures to be on the ballot for November.
- Mary Swenson added that the numbers do not look good for this.

Gloria Hirashima

- Foreclosure counseling service meeting will be held this Thursday.
- Next Thursday there will be a community meeting for the downtown plan at City Hall from 6 to 8 p.m.

Chief Smith:

- He commented that they, along with public works and parks, start ramping up for MaryFest in March and invest a significant amount of staff time in this event.
- They have apprehended perpetrators for commercial burglaries last year. This will clear up many cases within the city and Snohomish County.

- He discussed the investigation into the homicide that happened several weeks ago. He commended the detectives and crime analyst who did an outstanding job locating the suspects.
- August 16 is the Lake Stevens Triathlon. There are five people in the police department, including him, doing the Half-Iron Man triathlon.
- ProAct team has been extremely busy. He highlighted results of two search warrants that they have written.
- He commended how well his staff has been working together.

Grant Weed:

- There is a change in the requirements for filing a claim for damages against a city.
- He stated that there was no need for an executive session.

Mary Swenson:

- Streets Supervisor retired and they are looking at this position in light of the new annexation. Staff will be bringing reclassification of that position to Council next week.
- They received good press on the annexation and the Downtown Master Plan. She congratulated everyone who worked on that.
- Some meetings have been set up regarding the annexation. They will be looking at budget, tracking costs, implementation of the hiring process.
- Staff is recommending that they don't do Touch-a-Truck or National Night Out this year due to budgetary constraints. They will do Home Grown. Merrysville for the Holidays will still take place, but will be scaled back to just park activities and not a parade.
- She congratulated the team-building that has occurred in the police department.

Call on Councilmembers

Jeff Vaughan noted that there is a Marysville, Pennsylvania.

Carmen Rasmussen:

- She will be gone from July 26 through July 31. She stated that she would appreciate an excused absence.
- The finals for the kickball league will be held tomorrow night at Cedar Field.

Motion made by Councilmember Rasmussen, seconded by Councilmember Soriano, to excuse Councilmembers Phillips. **Motion** passed unanimously (6-0).

Jon Nehring had no comments.

John Soriano asked if there would be a Public Safety meeting on Wednesday. Chief Smith stated that there would.

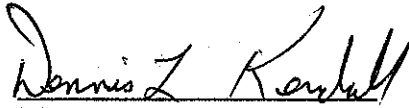
Donna Wright had no comments.

Jeff Seibert asked when the State Avenue project would be complete. John Cowling indicated that it would be sometime in September.

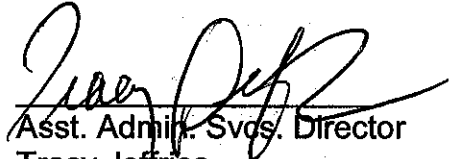
Adjournment

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

Approved this 14TH day of September, 2009.



Mayor
Dennis Kendall



Asst. Admin. Svcs. Director
Tracy Jeffries