

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JANUARY 2, 2001**

EXECUTIVE SESSION To discuss personnel matters.	6:00 p.m.
CALL TO ORDER/FLAG SALUTE	7:10 p.m.
ROLL CALL	All present.
MINUTES OF PREVIOUS MEETING 1. City Council Meeting, December 11, 2000	Approved as corrected.
AUDIENCE PARTICIPATION None.	
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	
CONSENT AGENDA 1. Approve January 2, 2001 claims in the amount of \$560,535.77 paid by check nos. 55889 through 56231 with check nos. 55448, 55627, 55974 and 51731 void. 2. Approve December, 2000 payroll in the amount of \$914,812.06 paid by check nos. 39735 through 39929 with check no. 39929 void. 3. Approve liquor license renewals for Circle K. No. 8878, Pearl Garden, Jackpot Foodmart #160 and First Stop Deli.	Approved Approved. Approved with the deletion of Pearl Garden.
ACTION ITEMS	
REVIEW BIDS None.	
PUBLIC HEARING None.	
CURRENT BUSINESS 1. Executive Department reorganization recommendation (continued from 12/11/00) 2. Management employee salary survey recommendation (continued from 12/11/00)	Continued to 1/15 Executive Session workshop "
W BUSINESS 1. Non-represented employee salary survey recommendation. 2. 2000 budget amendment ordinances a) An Ordinance of the City of Marysville amending Ordinance No. 2301 relating to the 2000 budget and providing for the change of certain expenditure items as budgeted for in 2000. (Relating to Police Department and Senior Center) b) An Ordinance of the City of Marysville amending Ordinance No. 2301 relating to the 2000 budget and providing for the change of certain expenditure items as budgeted for in 2000. (Relating to Sanitation Department) c) An Ordinance of the City of Marysville amending Ordinance No. 2301 relating to the 2000 budget and providing for the change of certain expenditure items as budgeted for in 2000. (Relating to Equipment Rental Fund). 3. BNSF pipeline license 4. State Avenue (116 th Street to 136 th Street); BNSF railroad crossing agreements. 5. Professional Services Agreement, Value Engineering Study, State Avenue (Ebey Slough to Grove Street)	Continued to 1/15 Executive Session workshop. Approved Ordinance 2353. Approved Ordinance 2354. Approved Ordinance 2355. Delayed action to rework agreement. Approved. Approved.
LEGAL MATTERS None.	
ORDINANCES AND RESOLUTIONS	
1. Under New Business, item 2.	

MINUTES RECAP
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INFORMATION ITEMS	
1. Mayor's business 2. Staff's business 3. Call on councilmembers	
ADJOURN INTO EXECUTIVE SESSION	8:55 p.m.
RECONVENE REGULAR SESSION	
ADJOURN	11:05 p.m.

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**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JANUARY 2, 2001**

CORRECTED: SEE 1-8-01
MINUTES

EXECUTIVE SESSION

Councilmembers convened into Executive Session 6:00 p.m. to consider personnel matters and adjourned at 7:05 p.m.

CALL TO ORDER/FLAG SALUTE

The regular meeting was convened by Mayor Weiser at 7:10 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Mary Swenson, Acting City Administrator
Mike Leighan, Mayor Pro Tem	Robert Carden, Chief of Police
Shirley Bartholomew	Gloria Hirashima, City Planner
Jim Brennick	Grant Weed, City Attorney
NormaJean Dierck	Owen Carter, City Planner
Mike Leighan	
Donna Pedersen	
Suzanne Smith	
John Soriano	

MINUTES OF PREVIOUS MEETING

1. City Council Regular Meeting, December 11, 2000.
Councilmembers noted the following corrections:
 - Page 4, 5th paragraph, last sentence, revise to read: "She stated a chart method could be used to show the city lost more than it gained by providing services outside the city."
 - Page 4, 4th paragraph: "Bob Hill" should be "Bob Hild."
 - Page 5, second to last paragraph, add: "He stated the agreement would be completed by the end of the year."

MOTION by Dierck, second by Brennick, to approve the minutes of the December 11 regular council meeting as corrected. Motion carried (7-0).

AUDIENCE PARTICIPATION

None.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

CONSENT AGENDA

1. Approve January 2, 2001 claims in the amount of \$560,535.77 paid by check nos. 55889 through 56231 with check nos. 55448, 55627, 55974 and 51731 void.

2. Approve December, 2000 payroll in the amount of \$914,812.06 paid by check nos. 39735 through 39929 with check no. 39929 void.
3. Approve liquor license renewals for Circle K. No. 8878, Pearl Garden, Jackpot Foodmart #160 and First Stop Deli.

Mayor Weiser advised that the Police Department requested removal of Pearl Garden from No. 3.

MOTION by Bartholomew, second by Brennick, to approve items 1 through 3 with the above deletion. Motion carried (7-0).

ACTION ITEMS

Review Bids

None.

Public Hearing

None.

Current Business

1. Executive Department reorganization recommendation (continued from 12/11/00)
2. Management employee salary survey recommendation (continued from 12/11/00)

Mayor Weiser noted that council had requested Current Business items 1 and 2 and New Business item 1 be removed from this agenda and covered at an Executive Session workshop. After discussing calendars, councilmembers agreed to hold the workshop on Monday January 15 at 6:00 p.m. at city hall.

New Business

1. Non-represented employee salary survey recommendation.
2. 2000 budget amendment ordinances

Mr. Noack explained that these ordinances were housekeeping measures to formally approve the deviations from the 2000 budget. These were monies that had already been received and spent.

- a. An Ordinance of the City of Marysville amending Ordinance No. 2301 relating to the 2000 budget and providing for the change of certain expenditure items as budgeted for in 2000. (Relating to Police Department and Senior Center)

The Mayor called for public comments; there were none.

MOTION by Leighan, second by Bartholomew, to approve Ordinance 2353. Dierck voted nay, stating she supported the Senior Center but not 800 MHz expenditures. Motion carried (6-1).

- b. An Ordinance of the City of Marysville amending Ordinance No. 2301 relating to the 2000 budget and providing for the change of certain expenditure items as budgeted for in 2000. (Relating to Sanitation Department)

Mr. Rohla explained that the tipping fees had not been increased during the year; the city's volume drove the higher expenditure.

The Mayor called for public comments; there were none.

MOTION by Bartholomew, second by Leighan, to approve Ordinance 2354. Motion carried (7-0).

- c. An Ordinance of the City of Marysville amending Ordinance No. 2301 relating to the 2000 budget and providing for the change of certain expenditure items as budgeted for in 2000. (Relating to Equipment Rental Fund).

The Mayor called for public comments; there were none.

MOTION by Bartholomew, second by Brennick, to approve Ordinance 2355. Motion carried (7-0).

3. BNSF pipeline license

Mr. Carter gave the background information, noting this covered extending 240 Zone JOA water to the Tulalip Tribes. The route required crossing under the railroad and construction would be done without disrupting train traffic. The line was for the benefit of the Tulalip Tribes and the Tribes would be covering all fees associated with the agreement, but the railroad required the it to be signed by the city because the city would ultimately be the owner and operator of the line when it was completed. Construction was planned for spring/summer 2001.

Councilmember comments and questions included:

- *The agreement was very one-sided in favor of the railroad.* Mr. Weed agreed this was standard practice for agreements with the railroad. The city and Tribes would bear the responsibility if there were a railway accident that damaged the line. The city's agreement with the Tribes on this project covered water capacity but did not speak to liability in detail.
- *The line was originally going to run through the Texaco drainfield and now appeared to run through the parking lot.* Mr. Carter said it did run through the parking lot.
- *Could the city tap this water line in the future to serve other customers?* Mr. Carter thought it could. The city would get a Bill of Sale transferring ownership when the project had been built and transferred to the city.
- *Would be a meter on the east side of I-5 to monitor the water the Tribes would be taking.* Mr. Carter said water usage would be monitored.
- *Would city staff observe and inspect throughout construction of the line?* Yes.
- *What size was the line?* 24".

Mr. Weed said the city could either contact the railroad and attempt to have the Tribes named as licensee or contact the Tribes and seek an agreement whereby it would indemnify the city. Mr. Carter noted that having two options should make it possible to seek the desired protection in the agreement without delaying the project.

The Mayor called for public comments; there were none.

MOTION by Dierck, second by Smith, to delay action on this agreement for a short time and direct staff to explore the options of reworking the agreement with the railroad or preparing a separate agreement with the Tulalip Tribes covering indemnification, said delay to not be of such duration that it would interfere with the Tribes' project schedule. Motion carried (7-0).

4. State Avenue (116th Street to 136th Street); BNSF railroad crossing agreements.

Mr. Carter gave the background information on the project, upgrading the crossing of the Arlington spur as part of the construction for the State Avenue 116th to 136th improvements. The project would be advertised in the spring and constructed next summer.

Councilmember Soriano asked if the right-of-way would affect any homes on the east side of the tract; Mr. Carter said no. Councilmember Bartholomew asked if this improvement would be to a fully signalized crossing with gates; Mr. Carter said it would be. Councilmember Dierck asked what the pipelines were that were shown on the drawings; Mr. Carter thought they were sewer lines but agreed to check and advise.

The Mayor called for public comments; there were none.

MOTION by Bartholomew, second by Leighan, to execute the Construction and maintenance Agreement along with the Petition to the WUTC for reconstruction and upgrade of the crossing on State Avenue. Motion carried (7-0).

5. Professional Services Agreement, Value Engineering Study, State Avenue (Ebey Slough to Grove Street)

Mr. Carter noted that a value engineering study at the 30% phase was a state requirement of for any project over \$1 Million. This project was now at that point and Value Management Consulting was a firm from the Transportation Improvement Board's list. The study would look at ways to save time and money, constructability and impact on businesses.

Mr. Weed noted that the version of the agreement included in the agenda packet was the city's standard agreement used for engineering and architect services. This consultant made some changes in the form regarding insurance and endorsement. Mr. Weed recommended staying with the city's standard language and not approving the consultant's revisions.

Councilmember comments and questions included:

- *Had the city done business with this company before?* Mr. Carter said no.
- *Who would be on the study team?* Engineers from other agencies and municipalities - Arlington, Snohomish County, WSDOT.
- *Are downtown merchants represented?* No, the study team is made up solely of engineers.
- *Will not knowing the location of the bridge affect this study?* No.

MOTION by Pedersen, second by Bartholomew, to direct staff to contact Value Management Consulting regarding council's desire to use the standard agreement and, if they agree, to approve the professional services agreement with them in the amount of \$7,400 and authorize the Mayor to execute the document, and if they do not agree to choose the next firm on the list, and in any event to require a copy of the insurance policy, not just the declaration page, to be held in the city's file.

Councilmember Dierck voiced opposition based on the elimination of parking and the cost of undergrounding utilities. Councilmember Leighan explained that value engineering looked at how to save money on the project, not redesigning the project. Councilmember Smith voiced opposition because she opposed the project originally.

Dierck, Brennick and Smith voted nay; all others voted aye; motion carried (4-3).

Ordinances & Resolutions

Included in New Business, item 2.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business

- The Mayor presented a 5-year service pin to Councilmember Bartholomew and a 10-year pin to Councilmember Pedersen.
- On January 11 there will be a celebration at the Navy Home Port in honor of Martin Luther King Jr. Day. The City of Everett has asked Marysville to participate by adding its name to the celebration and also a proclamation. Council concurred.
- Community Transit has an opening on its Board representing medium-sized cities. The Mayor asked to represent the city at the meeting where the election would be conducted and to place his name in the running for this vacancy.
MOTION by Bartholomew, second by Pedersen, to request the Mayor to attend the Community Transit special election on January 18 as an elector. Motion carried (7-0).
- The Mayor expressed an interest in serving on the 800 MHz Board and suggested Commander Winters serve as an alternate.
MOTION by Bartholomew, second by Soriano, to request the Mayor to represent the city on the 800 MHz Board with Commander Winters serving as alternate. Motion carried (7-0).

2. Staff's business

Ms. Hirashima:

- Called council's attention to the letter from the Fire Chief requesting a "municipal purpose annexation," noting that in order to begin the process council needed to authorize the city attorney to draft a resolution and decide if a public hearing should be held. A hearing was not required for this type of annexation. The city and fire district each own one-half of the property to be annexed. The neighbors did receive notification and no opposition was expressed during the Conditional Use Permit hearing held by the county.
MOTION by Dierck, second by Pedersen, to direct staff to prepare the Resolution to send the proposed municipal purpose annexation of property owned by the city and fire district to the Boundary Review Board without a public hearing. Bartholomew and Smith voted nay; all others voted aye; motion carried (5-2).

3. Call on councilmembers

Dierck:

- Asked for status of fireworks committee; the Mayor said no date had been set but would be within ten days.
- Council chambers were still uncomfortably cool.
 Roger Kennedy, Fleet and Facilities Manager, responded that the HVAC specialist had been through the building several times. They will install a thermostat on the east wall, but did not expect much improvement to come from that. The coolness of the room had to do with air movement; the system was in good condition.
- Requested from Mr. Rohla information on the almost \$70,000 for right-of-way for Olympic Pipeline.
- The council workshop on Strawberry Fields had not been conducted as council had directed. Council voted to have Janet Carroll and Randy Brower attend; there was nothing in the motion about Robin Nelson or the

consultant attending and giving reports. The result was that Ms. Carroll was only given 2 or 3 minutes. Mayor Weiser responded that the purpose of the workshop was to discuss funding. Ms. Carroll had stated her purpose in attending was only to respond to questions. Mr. Brower was new on the city's staff; his boss, Mr. Nelson, was more comfortable speaking to the issue.

- Requested a status report on Pacific Power Battery. The Mayor reviewed the communication, which had transpired between himself and that company about getting higher quality batteries. He agreed to prepare a memo to councilmembers regarding the status.

Leighan:

- Will be out of town January 28 through February 4.
- Asked if there was still a vacancy on the Park Board; Mayor Weiser said yes.
- Asked if the city was issuing palm pilots to employees; the Mayor did not respond.

Smith:

- Asked if a DOE representative planned to address council regarding TMDLs. Mr. Carter responded that Bob Wright would attend the January 22nd meeting. Councilmember Dierck said Mr. Wright's job had changed so DOE would be sending someone else.

Pedersen:

- In the past she gave up her committee assignments but now was able and willing to serve should vacancies become available.

Brennick:

- Supported Councilmember Dierck's concern that the Strawberry Fields workshop was not set up the way council had voted.
- Regarding the Pacific Power Battery problem, he had known the owner for years and found him to be an honorable business person.
- Questioned the letter he received regarding the successful bidder on the Edward Springs booster pumps. Mayor Weiser said the accusations had been looked into briefly.
- Asked Chief Carden if officers had an 80-mile mileage limit. Chief Carden responded that they did and this was done to preserve the vehicles. He listed the ways officers performed their duties within that limitation.

EXECUTIVE SESSION

Council adjourned into Executive Session at 8:55 p.m. to discuss personnel matters.

ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 11:05 p.m.

Accepted this 8th day of January, 2001.

David Weiser
Mayor

Derry Becker
Interim City Clerk

Ann M. Auer
Recording Secretary