

September 8, 2003

Marysville City Council

000542

7:00 p.m.

City Hall

ORIGINAL

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approval of Minutes	
Approval of August 25, 2003 City Council Meeting.	Approved
Approval of September 2, 2003 City Council Work Session.	Approved
Consent Agenda	
Approval of September 8, 2003 Claims in the Amount of \$470,145.20; Paid by Check No. 9665 through 9330.	Approved
Approval of September 5, 2003 Payroll in the Amount of \$707,169.30; Paid by Check No. 11334 through 11420 with Check No. 11334 Void.	Approved
Approval of Liquor License Renewals for Bella Luna Café Bistro, Marysville Oriental Store, 4th Street Market, Noble Palace, and Taqueria La Jaliscience.	Approved
Authorize Mayor to Sign Supplemental Agreement No. 5 to Professional Services Agreement with Skillings Connolly; 128th Street NE/State Avenue Project.	Approved
Authorize Mayor to Sign Addendum No. 1 to Construction & Maintenance Agreement with Burlington Northern Santa Fe Railroad for State Avenue 116th-136th Improvement Project.	Approved
Public Hearing	
Approval of taking Harry's Towing Suspension Appeal Under Advisement to be Discussed Further and Voted Upon at the Next Work Session.	Approved
Approve Extending the Meeting until 11:30 p.m.	Approved
Review Bids	
Approve the Bid Award for the State Avenue Street Improvements to Marshbank Construction, Inc., authorize the Mayor to Sign the Contract Documents, and Approve a 5% Management Reserve.	Approved
New Business	
Authorize the Mayor to Sign the Professional Services Agreement Supplement No. 1 with Montgomery Watson Harza.	Approved
Ordinances and Resolutions	
Approve Amending the Opiate Substitution Treatment Program Facilities Ordinance.	Approved Ord. No. 2488
Mayor's Business	
Affirm the Reappointment of John Meyers to the Park Board.	Approved
Affirm the Reappointment of Ray Stanton to the Park Board.	Approved
Adjournment	11:14 p.m.

MARYSVILLE CITY COUNCIL WORK SESSION

September 8, 2003

7:00 p.m.

City Hall

CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Mayor Pro Tem Mike Leighan called the September 8, 2003 meeting of the Marysville City Council to order at 7:00 p.m. He asked Councilmember Lisa Vares to lead those present in the Pledge of Allegiance. There was no invocation.

ROLL CALL

Chief Administrative Officer Mary Swenson called the roll. The following councilmembers and staff members were in attendance:

Council: Mayor Pro Tem Mike Leighan, Councilmembers Jon Nehring, Jeff Seibert, John Soriano, Donna Wright, and Lisa Vares.

Staff: Robert Carden, Chief of Police; Sandy Langdon, Finance Director; Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Kevin Nielsen, City Engineer; Jim Ballew, Parks and Recreation Director; Chris Holland, Senior Planner; and Jeff Massie, Assistant City Engineer.

The excused absence of Mayor David Weiser was noted.

COMMITTEE REPORTS

Mayor Pro Tem Mike Leighan solicited committee reports.

Councilmember Donna Wright reported that the City's adopted ship, the USS Ingraham, will be coming home soon and pier/dockside activities are being planned. They will also be participating in Merrysville for the Holidays as the grand marshals. The exact arrival date is unknown, but Council will be notified as soon as possible. They are expected within the next two weeks.

Councilmember Jon Nehring then gave a report on the Facilities meeting. They have been discussing options for the driving range. Staff will be bringing those options for study to the next work session.

AUDIENCE PARTICIPATION

000544

Shirley Freeman, 5123 109th Place NE.

Ms. Freeman addressed the Council regarding a problem she is having paying the sewer bill. She said she moved here in July of 2001. She is single, retired, and on a fixed income. She feels the sewer rates are too high. She would like the amount of services used to be taken into consideration as well as a discount for seniors on a fixed income. There was some discussion about the way the rates are calculated. Mayor Pro Tem Leighan noted that if her area were annexed into the City her rates would decrease. Councilmember Vares asked if there was a senior citizen discount. Finance Director Sandy Langdon said there isn't right now, but they would like to consider proposing one. There was discussion about waiting for the 2004 rate study. Councilmember Vares then asked if there was a donation opportunity such as they have with the gas and electric bills. Ms. Langdon explained that it would require a non-profit group to manage that. Mayor Pro Tem thanked Ms. Freeman for coming.

APPROVAL OF MINUTES

A. August 25, 2003 City Council Meeting.

Councilmember Jon Nehring noted that in the bottom paragraph on page 3 where it says, "*He asked if the City Attorney could...*" should read "*He asked if Greg Young, Grants Administrator could...*"

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

B. September 2, 2003 City Council Work Session.

Councilmember Suzanne Smith indicated that she would not be voting because she was not in attendance at the September 2 work session. Councilmember Vares asked that it be noted on page 2 of 6 that she had "*asked for clarification of where the money seized would be allocated in the police department's budget and how the documents would be admissible in courts if the dog does indicate.*"

Councilmember Soriano asked to add to the last bullet on page 3 the fact that "*the dogs are not used for apprehension.*"

Motion made by Councilmember Wright, seconded by Councilmember Nehring to approve the minutes as amended. **Motion** passed unanimously (5-0) with Councilmember Smith abstaining.

Harry's Towing – Opening Statement

Mr. Bruce Galloway stated that he was representing Harry's Towing and Ron Hanson. He stated that this issue has come before Council because of staff's belief that his client has failed to come into compliance with the code and the timeframes put forth by staff. He asserted that the real issue here was the classification system the City uses for ditches. He explained that the City has four classifications, which differ, from the five classifications used by the State. He said that when the last comments were received from the City they were told that a fence had to be set back from the "stream". This fence, he stated, was there when Mr. Hanson purchased the property and was there when he made the application for the rezone. Part of what Mr. Hanson is trying to do is to continue a partnership with the police department to get junked cars off the roads in order to provide a better quality environment for the City. Mr. Hanson feels that this requirement to move the fence is not justified. Mayor Pro Tem Leighan asked about the zoning of the location prior to Harry's Towing. It was explained that it had been residential.

City - Witness #1: Officer Dave Vasconi, Community Service Officer, City of Marysville

The City then called its first witness, Officer Dave Vasconi, Community Service Officer who stated that he had been sworn in previously. Mr. Weed asked if Officer Vasconi was familiar with the City's requirements for tow truck operators. Mr. Vasconi responded that he was. He summarized the requirements as follows:

- There must be a secured tow yard within the city limits.
- There must be a sign visible from the roadway.
- There must be office personnel present during normal business hours.
- All trucks must be approved and certified.
- There must be a minimum of two tow trucks.
- The tow operator must possess a business license.

Officer Vasconi indicated that he was responsible for conducting inspections for the City. His inspections of Harry's Towing began in January of 2002. On 1/17/02 he assisted Washington State Patrol as they conducted an inspection. On 1/28/02 he did his own inspection for the City. He explained that State Trooper James had observed on 1/17/02 some violations with the vehicles and with the business portion. On Officer Vasconi's 1/28/02 inspection he had noted that the fence line was not secured – there were not the required three strands of barbed wire; the yard area was not separate and secure from the office; there was no sign visible from the roadway; and office personnel were going home at 3:00 p.m. Mr. Vasconi explained that his next inspection was a follow-up inspection in partnership with Trooper James of the State Patrol. The results were that some of the violations with the vehicles had been taken care of and some had not. His next contact with Harry's towing was on 10/4/02 when he was notified that Harry's Towing was not authorized to store vehicles in their yard, only in their 3-car garage. On 11/7/02 he did a follow-up investigation to see how many vehicles were there. He said there were 30 vehicles in the yard, 4 of which were Marysville impounds. He then wrote up a memorandum letter and submitted it to his supervisor who passed it on to Commander

Robert Lamoureux. Mr. Weed then referred to Exhibit 3 - a letter from Chief Carden dated October 28, 2002 and to Exhibit 7 letter from Police Chief Carden and Commander Lamoureux to Harry's Towing dated 5/2/03. Officer Vasconi explained that he had contacted Senior Planner, Chris Holland and was notified that Harry's Towing was not authorized to store cars in its yard. Officer Vasconi explained that everyone on the City's tow list has been inspected and is being inspected annually. He reviewed the results of the inspections of the other tow companies. Mr. Weed had no further questions for Officer Vasconi.

Mr. Galloway then questioned Officer Vasconi. He also referred to the Notice of Suspension letter dated 5/2/03. He commented that the letter dealt with issues raised in October of 2002. He stated that most of those issues had been corrected. The 4/17 inspection found the yard to be a secured yard. Officer Vasconi agreed that if it met the zoning requirements it would have been a secured yard. Mr. Galloway asked if there was any way Mr. Hanson could get a business license. Officer Vasconi stated that he wasn't sure.

Ron Hanson of Harry's Towing then asked Officer Vasconi about other tow companies who turn down calls. Officer Vasconi responded that if officers repeatedly turned down calls it would be investigated. He reviewed some of the reasons that tow companies turn down calls. There was some discussion about some operators not wanting to pick up junked cars.

Councilmember Smith then referred to the last inspection on 1/29/03 and noted that the series of violations was different than 1/17/02. She asked if he knew if any of these had been taken care of. Officer Vasconi was not sure.

City - Witness #2: Robert Lamoureux, Administrative Systems Commander, City of Marysville.

Commander Lamoureux stated that he had been sworn in previously. Mr. Weed referred to Exhibit 3 - a letter from Chief Carden dated October 28, 2002 and to Exhibit 7 - a letter dated 5/2/03 to Mr. Hanson from Commander Lamoureux and Chief Carden. Commander Lamoureux explained that he had composed the letter notifying Mr. Hanson of suspension because of not having a secure storage yard and not having a current business license. Mr. Weed had no further questions. Mr. Galloway had no questions for Commander Lamoureux.

City - Witness #3: Mary Swenson, Chief Administrative Officer, City of Marysville.

Ms Swenson stated that she had been previously sworn in. Mr. Weed asked Ms. Swenson about her experience with licensing code. She indicated that she had been the city clerk from 1991 to 2000. She was very familiar with the City's business licensing code. She stated that Harry's Towing does not have a business license and there is no current application for a business license.

Mr. Galloway then asked Ms. Swenson if in order to obtain a license a business must meet the zoning requirements. Ms. Swenson indicated that was correct. Mr. Weed clarified that one would need to meet all the city codes, including the towing codes. Ms. Swenson agreed.

Mayor Pro Tem Leighan asked how long the City would hold an application while it was being reviewed. Ms. Swenson indicated that it would be forwarded to various departments.

City - Witness #4: Chris Holland, Senior Planner, City of Marysville.

Mr. Holland said he had been sworn in previously. He then summarized the history of this matter. He stated that the planning department had reviewed and approved Harry's Towing's application to store vehicles in his 3-car garage. After they learned that vehicles were being stored outside they revoked the temporary business license. The City also discovered that a fence had been constructed and there was grading activity occurring without a permit. The City scheduled a meeting with Mr. Hanson and the code enforcement officer to review code requirements and to discuss what needed to be done. Mr. Hanson indicated that he would be hiring an engineer to complete the work. Mr. Holland stated that they have been working with Mr. Hanson since March of 2002 to get him in compliance. Mr. Weed then referred to Exhibit 28 – a letter dated June 4 which reviewed the list of items which would be needed for the site to comply with the zoning code: frontage improvements, permits issued for fence, relocation of fence 25-feet from the stream, and power poles that needed to be moved. There was also discussion about a grading permit, which hadn't been issued, and the fact that he needed a business license. This, of course, would not be issued without the other items being in compliance. Mr. Weed then referred to Exhibit 27 – a memo from Chris Holland to the City Council describing the matter and outlining the history of events. Mr. Holland summarized these events. Mr. Weed then referred to a letter dated 10/19/00 addressed to Ms. Andrea Henault from Mr. David Brock of the Department of Fish and Wildlife which states that, "resident trout and other warm water fish can and may use the channelized stream west of the proposed project that flows from the north to the south." He then referred to another letter from Mr. Brock dated 12/11/02 addressing a property due west of Mr. Hanson's property. Mr. Weed then referred to a third letter attached to Mr. Holland's letter to Mr. Galloway from Bob Pfeifer, Area Habitat Biologist with the Department of Fish and Wildlife dated June 20, 2003. There was discussion about the classification of the stream and possible blockages that might have been in the stream.

Mr. Galloway then questioned Mr. Holland regarding a 7/15/03 memo from Mr. Berg of Berg Engineering. One of the comments was to have an engineer reconfigure the layout of the fence. There was discussion about the impact of the pre-existing fence. Mr. Galloway asked about other blockages in the stream. Mr. Holland was not aware of any. Mr. Hanson then asked Mr. Holland if the ditch was dry at this time of year. Mr. Holland clarified that portions of the stream are dry at this time of year. Mr. Weed asked if the grading activity

Mr. Weed asked if he had spoken to anyone at the Department of Ecology about this issue. Dr. Shea said he had not. Mr. Weed asked if he had ever met with city staff. He had not. Mr. Weed then asked if his opinion might change if the supposed blockages were removed. Dr. Shea stated that he did not believe the quality would change greatly.

Mr. Galloway then asked about the possible classification of the area downstream as a swale. Dr. Shea explained why he had asserted this. Mr. Galloway then asked if he thought the problem of flow had been resolved downstream. He did not.

Councilmember Smith asked about the definition of an intermittent stream. Dr. Shea explained that it could have dry portions in some areas or at some times of the year. He stated that when he had observed it in May there was no flow. There was discussion about the high groundwater table in northern Marysville. There were no further witnesses.

City – Closing Statement

Mr. Weed summarized that this business is not in compliance with requirements for operating a lawful tow business at this time. Mr. Weed reviewed the specific areas that the Planning department has been working on with Harry's Towing. He said that Mr. Hanson admits that he is out of compliance with the City's zoning code based on the fact that he has 40 cars in his yard. This alone puts him out of compliance and disallows the City issuing a business license. He then discussed the typing of the stream and the City's position on the stream and the fence. Due to the change in use from residential to commercial the City has the right to require changes. Based on the fact that Harry's Towing has no business license and that the storage facility is out of compliance Mr. Weed stated that he believes Council should uphold the suspension.

Harry's Towing – Closing Statement

Mr. Galloway stated that the issue is the interpretation of a ditch and the impact of having to lose 25' x 400' of storage space versus the possibility that the ditch can support anything at all. He also noted that they were not made aware of the alternatives. They believe the City has breached the agreement to allow Harry's Towing to continue business as long as progress is being made. He stated that the staff was not open to give additional information to the applicant with the rezone situation. Under the circumstances, Council needs to give some weight to Mr. Hanson's situation. He suggested a reasonable period of time for Mr. Hanson to complete projects and negotiate with the City. He did not feel suspension was warranted.

Discussion

- Mayor Pro Tem Leighan then closed the record and stated that they could determine the case now or take it under advisement to determine at another time. Mayor Pro Tem Leighan explained that the choices before Council were to affirm, modify or reverse the decision.

- Councilmember Vares commented that it was difficult to discuss this apart from the land use issues, which predicate the business license issue. Mr. Weed concurred that the two could not be separated.
- Councilmember Smith suggested giving Mr. Hanson another 30 days to come into compliance.
- Councilmember Nehring commented that Mr. Hanson clearly said he's not going to move the fence so he definitely would not be in compliance in 30 days. He stated that the issue could only be taken care of if they re-classified the stream.
- City Attorney Weed commented that they were being asked to weigh the information provided by Dr. Shea versus staff, Mr. Holland and the Department of Ecology.
- Mayor Pro Tem Leighan had concerns about the notion that a tow company would only store three cars on the property. He had concerns that staff did not fully explain Mr. Hanson's alternatives.
- Councilmember Vares indicated her difficulty with the delays and the timeline issues associated with this matter.
- There was a **Motion** by Councilmember Jeff Seibert to uphold the suspension of Harry's Towing from the Tow Truck Operator Rotation List as recommended by staff. The **Motion** died for lack of a second. Councilmember Seibert referred to the appeal process and the timeline that had been given. He noted that there had been no appeal.

Motion by Councilmember Jon Nehring, seconded by Councilmember Donna Wright to take this under advisement, discuss it further and vote on it at the next work session. **Motion** passed unanimously (6-0).

There was **Motion** by Councilmember Seibert; seconded by Councilmember Soriano to extend the meeting to 11:30 p.m. **Motion** passed 4-3.

Councilmember Nehring had to leave the meeting (11:00 p.m.) in order to catch a flight, but indicated that he would be voting in favor of the State Avenue Street Improvements.

REVIEW BIDS

A. State Avenue Street Improvements; Grove Street to First Street.

Motion by Councilmember Vares, seconded by Councilmember Seibert to approve the bid award for the State Avenue Street Improvements to Marshbank Construction, Inc. in the amount of \$6,151,140.78 including WSST and authorize the Mayor to sign the contract documents, and approve a 5% management reserve of \$307,557.03. **Motion** passed unanimously (6-0).

NEW BUSINESS**A. Professional Services Agreement Supplement for Construction Management Services on Cedarcrest Reservoir Repair Project; MWH Americas, Inc.**

Motion made by Councilmember Wright, seconded by Councilmember Soriano to authorize the Mayor to sign the Professional Services Agreement Supplement No. 1 with Montgomery Watson Harza in an amount not to exceed \$18,077.00 including a \$1,643.00 management reserve. **Motion** passed unanimously (5-0).

ORDINANCES AND RESOLUTIONS**A. An Ordinance of the City of Marysville, Washington Amending MMC Section 19.08.100A; Adding a Footnote 8 and Footnote 9 to MMC 19.08.100B Related to Opiate Substitution Treatment Program Facilities, Adding a New MMC Section 19.06.364 Defining the Term "Opiate Substitution Treatment Facility", and Amending MMC Section 19.55.010.**

Motion made by Councilmember Vares, seconded by Councilmember Seibert to approve Ordinance No. 2488. **Motion** passed unanimously (5-0).

INFORMATION ITEMS**Mayor's Business*****Park Board Appointment(s).***

Motion by Councilmember Seibert, seconded by Councilmember Soriano to affirm the reappointment of John Meyers to the Park Board. **Motion** passed unanimously (5-0).

Motion by Councilmember Soriano, seconded by Councilmember Wright to affirm the reappointment of Ray Stanton to the Park Board. **Motion** passed unanimously (5-0).

Staff Business

Robert Carden had no comments.

Sandy Langdon had no comments.

Mary Swenson reported that:

- The Governmental Affairs meeting Wednesday had been cancelled.
- There would be no Cities and Towns meeting.
- She met with the co-chairs and directors of the economic development subcommittees to determine their direction. The next meeting of the Whole will be on September 30.
- There will be no Council meeting on September 29.

Grant Weed had no further comments.

Gloria Hirashima had no comments.

Jim Owens had no comments.

Call on Councilmembers

Lisa Vares had no comments.

Donna Wright had no comments.

Jeff Seibert commented on some missing street signs at the corner of 66th Drive and 73rd Street and at 67th Avenue and 69th Street. He also referred to barricades on the ground and rubble on the sidewalk at 6243 - 68th Avenue. He said it appeared that a project had been stopped and he wondered what happened there. Mr. Seibert also noted that at the last meeting he had asked City Engineer Nielsen to deal with innovative ways to work with developers on surface water issues in the north end. Apparently Mr. Nielsen has done this and the developers are happy with his ideas. Mary Swenson agreed that Mr. Binford is pleased with the letter he received from the City. They will bring an update to the Council.


John Soriano expressed his thanks to the Facilities Committee for coming up with some options for the driving range.

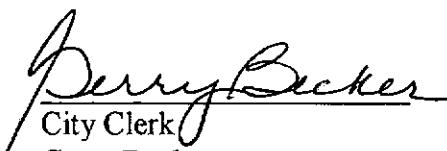
Suzanne Smith commented that there would be a Business Retention and Attraction meeting Tuesday morning.


ADJOURNMENT

Seeing no further business, Mayor Pro Tem Leighan adjourned the September 8, 2003 meeting of the Marysville City Council at 11:14 p.m.

Approved this 32nd day of September, 2003.


 Mayor
 David Weiser


 City Clerk
 Gerry Becker

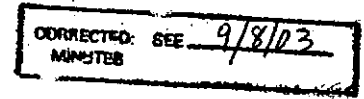

 Recording Secretary
 Laurie Hugdahl

September 2, 2003

7:00 p.m.

City Hall

CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION



Mayor David Weiser called the September 2, 2003 work session of the Marysville City Council to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance. There was no invocation.

ROLL CALL

Chief Administrative Officer Mary Swenson called the roll. The following councilmembers and staff members were in attendance:

Council: Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers Jon Nehring, Jeff Seibert, John Soriano; Donna Wright; and Lisa Vares.

Staff: Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Gloria Hirashima, Community Development Director; Kevin Nielsen, City Engineer; Steve Winters, Police Commander; and Joby Johnson, Police Officer.

Mayor Weiser noted the excused absence of Councilmember Suzanne Smith who was attending to personal business.

COMMITTEE REPORTS

Mayor Weiser solicited committee reports.

Councilmember John Soriano reported that some of the items the Public Safety Committee discussed were:

- Citizens' Academy went well. They are considering holding two sessions per year.
- National Night Out received a very positive report – considering holding a blood drive during that event next year.
- New booking fees and jail fees.

PRESENTATIONS

A. Narcotics K-9 Research and Planning Project.

Officer Joby Johnson gave a PowerPoint presentation regarding the narcotics detection K-9 project. He stated that the primary purpose of the K-9 program is to seek and find narcotics.

The dogs are able to search anywhere they are told (with the exception of people). Some of the major functions of the detection K-9 program are patrol/traffic; drug-related search warrants; and community-related events. There can be application at traffic stops, which there is suspicion of drug activity. The dogs can also be used to search public areas such as parks for paraphernalia. Officer Johnson described the circumstances under which the Detection K-9 may be applied with and without a search warrant. Some of the benefits of the Detection K-9 program are that it greatly reduces the amount of time it takes to search a room and they can locate drugs in hidden compartments that may be missed by an officer. Officer Johnson explained that the money seized by a Detection K-9 would go into the Drug Enforcement Fund, which would supplement the General Fund for the purpose of drug enforcement assistance. Over the past four years they have been able to use \$20,000 per year. Some community-related activities where the K-9 might be utilized are public demonstrations, school presentations, and fund-raising events.

Officer Johnson then reviewed the cost of the K-9 and training from Cedar Home Kennels, which was \$6,500.00. This includes the two weeks at the training facility in Stanwood. The training is conducted by an Everett Detective with 20 years experience in handling detection canines. It covers searching vehicles, residences, lockers and bags. It also covers search warrant preparation; narcotic dog case law; concealment techniques; and maintaining proper training records.

Additional costs include:

- Vehicle cage \$1,500.00
- Kennel and pad \$ 350.00
- Training aids and safe \$ 350.00

Yearly costs:

- Overtime \$6,650.00 per year
- Call outs \$3,200.00 per year (two callouts per year)

Fundraising possibilities include Pennies for Puppies; demonstrations at local businesses; web site solicitations; and t-shirt sales. Officer Johnson then concluded the presentation and solicited any questions that councilmembers might have. Police Chief Robert Carden added that they are not looking for action yet, but they are hoping to begin the fundraising process and that it will be successful.

- Councilmember Lisa Vares inquired about the expected timeframe to raise \$10,000. Officer Johnson said he believes they can do it within a couple of months. There was then some discussion about the asset seizure money and about the procedure for utilizing the dog.
- Councilmember Jeff Seibert asked about the process for obtaining a search warrant. Officer Johnson explained that they simply call a judge who can order the search warrant and fax it out fairly quickly.
- Councilmember Jon Nehring asked what kind of dogs they use. Officer Johnson answered that they use labs because of their enthusiasm and playfulness. He explained

CORRECTED:
MINUTES
SEE 9/8/03

that the dogs view it as a game. He explained that the usefulness of the dogs can be anywhere from 6 to even 12 years.

- Councilmember Mike Leighan then asked about on-going training. Officer Johnson replied that approximately 8 hours per week is needed and that this can be done during work hours. He stated that the dog was assigned to a patrol car for regular patrol duty.
- Councilmember Donna Wright asked what type of drugs could the dogs detect. Officer Johnson responded that they can find marijuana, cocaine, methamphetamines and heroin.
- Councilmember Leighan had concerns about exposure issues with the dogs at meth labs. Officer Johnson explained that they hope to recognize that it is a meth lab before a dog would ever go in. They would not send a dog into any active meth lab.
- Police Chief Carden asked him to explain why Marysville needed a dog. Officer Johnson explained that it is very hard to get other K-9's here because of scheduling or training. There was some discussion about using the dog in other jurisdictions and in the school districts.

There was general consensus by Council to approve beginning fund-raising efforts. Mayor Weiser thanked Officer Johnson for the presentation.

DISCUSSION ITEMS

CONSENT

C. Approval of Liquor License Renewals for Bella Luna Café Bistro, Marysville Oriental Store, 4th Street Market, Noble Palace, and Taqueria La Jaliscience.

There were no comments or questions regarding this item.

D. Authorize Mayor to Sign Supplemental Agreement No. 5 to Professional Services Agreement with Skillings Connolly; 128th Street NE/State Avenue Project.

There were no comments or questions regarding this item.

E. Authorize Mayor to Sign Addendum No. 1 to Construction & Maintenance Agreement with Burlington Northern Santa Fe Railroad for State Avenue 116th-136th Improvement Project.

Councilmember Seibert asked about the number of lanes for this project. City Engineer Kevin Nielsen explained that it would eventually be 5 lanes and they are doing the right-of-way right now. Councilmember Seibert asked if this would leave any room for future expansion. Mr. Nielsen responded that it would not.

REVIEW BIDS**A. State Avenue Street Improvements; Grove Street to First Street.**

Mayor Weiser indicated that this was a placeholder and that information would be coming on this item.

PUBLIC HEARINGS**A. Harry's Towing Suspension Appeal.**

City Attorney Grant Weed commented that the hearing was set for September 8. The information in Council's packets is just for information purposes. Councilmember Leighan asked if there were any better pictures. Mr. Weed said he would attempt to locate some.

NEW BUSINESS**A. Professional Services Agreement Supplement for Construction Management Services on Cedarcrest Reservoir Repair Project; MWH Americas, Inc.**

There was some discussion about the particular qualifications of this consultant and why they were chosen.

INFORMATION ITEMS**Mayor's Business*****Park Board Appointment(s).***

Mayor Weiser noted that he would be bringing the Park Board Appointments next week. He also commented that he would not be able to attend the Council meeting on Monday, September 8.

Staff Business

Grant Weed had nothing to report.

Mary Swenson reported that they had been contacted by the school district who wanted assistance with a grant-supported lunch program. They were looking for a location to dispense the lunches during the strike. The City decided that Jennings Park would be acceptable. She added that this would not require any staff time.

Gloria Hirashima commented that the pictures from the Harry's Towing packet were submitted by Bruce Galloway, the applicant's attorney, so they do not have anything better.

Sandy Langdon discussed changing the Finance Committee meeting from September 17 to Monday, September 22 at 4:00 p.m. There was general consensus.

Kevin Nielsen distributed a Water Quality Characterization of Quilceda and Allen Creeks which showed the results of the monitoring they have been doing. He also discussed a positive meeting he had with Verizon.

Robert Carden mentioned that the Citizens' Academy may not be happening this fall due to high overtime costs that have already been incurred. Regarding the Marysville School District Teacher's strike, he reported the Police Department's role is to keep the peace. They do not anticipate any issues, but will stay on alert. He also mentioned that the jail study is continuing. They asked the consultants to re-evaluate because they were not satisfied with the report, but it should be completed by early October.

Call on Councilmembers

Lisa Vares noted that they picked a consultant.

Donna Wright had nothing to add.

Mike Leighan said he would like to discuss the pros and cons of having open meetings for committees. **Motion** made by Councilmember Leighan, seconded by Councilmember Nehring to discuss this at the next work session. **Motion** passed unanimously (6-0).

John Soriano had nothing further to add.

Jon Nehring referred to a letter he received from a citizen regarding sewer charges. Mayor Weiser indicated that he had already spoken with her and that she may come to Council to seek reduction in her sewer bill.

Jeff Seibert asked Chief Carden about the possibility of obtaining data regarding police stops on a particular street – 71st Street from Grove to 528. He said that a citizen was complaining that they do not see a police presence there. Chief Carden said they would try to get some data on that and could also increase policing there. Councilmember Seibert then added that there had been some congregation of youths and speeding at the 83rd Place Park across from the golf course. Chief Carden said they would address that. Councilmember Seibert added that he had also received a complaint about unsupervised youths at the golf course. He then thanked the Mayor for his letter to the Tribes thanking them for their donation.

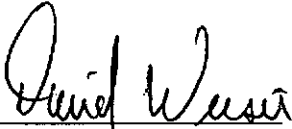
ADJOURNMENT

Seeing no more business, Mayor Weiser recessed into Executive Session at 7:45 p.m. Executive Session was scheduled to begin at 7:55 p.m. and to last approximately 15-20 minutes. There was one real estate matter and one pending legal matter to be discussed.

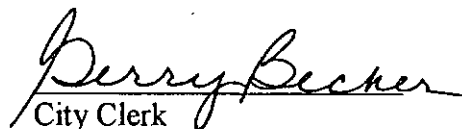
EXECUTIVE SESSION

Council met in Executive Session at 7:55 p.m.; discussed one real estate and one pending litigation issue; reconvened into Regular Session at 8:10 p.m.; took no further action and adjourned.

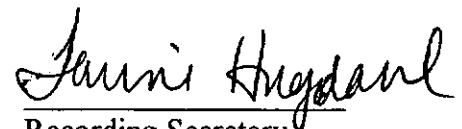
Approved this 8th day of September, 2003.



Mayor
David Weiser



City Clerk
Gerry Becker



Recording Secretary
Laurie Hugdahl