

MARYSVILLE CITY COUNCIL MEETING

February 12, 2007

7:00 P.M.

CITY HALL

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Dennis Kendall called the February 12, 2007 meeting of the Marysville City Council to order at 7:00 p.m. The invocation was led by Pastor Greg Kanehen of Marysville Free Methodist Church. Mayor Kendall 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: Mayor Pro Tem Jon Nehring, Lee Phillips (arrived at 7:20), Carmen Rasmussen, Jeff Seibert, John Soriano, Jeff Vaughan, and Donna Wright,

Staff: Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Paul Roberts, Public Works Director; John Turner, Interim Chief of Police; Doug Buell, Community Information Officer; Jim Ballew, Parks and Recreation Director; and Laurie Hugdahl, Recording Secretary.

Mary Swenson commented that Councilmember Phillips had informed her that he would be arriving late.

COMMITTEE REPORTS

Councilmember Seibert summarized the February 2 **Public Works** meeting as follows:

- The Marysville School District has not submitted its curriculum as required to receive the discounted surface water rates.
- Regional Transportation Improvement District ballot items were discussed.
- Development Standards – list of changes coming to Council.
- Triangle Access Study moving forward. Maps available of preferred alternative and other options.
- 2007 Capital Improvement Projects were discussed.

Jeff Vaughan stated that the **Graffiti Prevention Subcommittee** met and discussed opportunities with the school district to educate youth. More information will be coming forward to Council soon.

PRESENTATIONS

A. Strawberry Festival Pageant Candidates.

Bobbi Young, Chairperson of the Strawberry Festival Pageant, introduced the seven contestants who hoped to represent the City in the Strawberry Festival in the position of Royal Ambassador and two Ambassadors. Each of the following contestants addressed a speech to the City Council and staff stating their qualifications: Shandra Ann Brand, Alicia Lynn Coragiulo, Brooklynn Diane Elfattal, Devin Nicole Leatherman, Kirsti Ann Meyers, Cassie Nicol Miller, and Danielle Nicole Wilcoxson.

B. Swear-In Custody Officer Adam Veach and Custody Officer Devin Madan.

Mayor Kendall swore in the two new custody officers and invited them to introduce their families.

C. Employee of the Month.

Mayor Kendall commended the two co-employees of the month for January, Karen Kussy, Sr. Accounting Technician and Lisa Schultz, Accountant in the Finance Division, for their outstanding efforts during a period when the department was short-staffed. He acknowledged and thanked them for their unwavering support and dedication to the City.

Mayor Kendall took the opportunity to introduce the newly hired police chief, Rick Smith.

AUDIENCE PARTICIPATION

Phyllis MacKenzie, 1528 – 172nd Street

Ms. MacKenzie addressed issues in Lakewood. She asked if the City is involved in the removal of the parking lot and sidewalks at the post office in Lakewood. She urged the City to take action on the sidewalk from 16th to the railroad now. Next, she indicated her disappointment at not being able to participate in the study for transportation issues related to the Triangle Access Study. She recommended involving residents more and noted that there should be a right-hand turn into 27th/Target. She also informed staff and the Council that there is a 45-lot subdivision going in at 156th.

Mary Swenson thanked her for the information and indicated that they would check on the post office project. Public Works Director Paul Roberts commented that there are citizens involved in the study and he discussed the progress of that study.

APPROVAL OF MINUTES

1. Approval of January 22, 2007 City Council Meeting Minutes.

Motion made by Councilmember Nehring, seconded by Councilmember Soriano, to approve the minutes as presented. Councilmember Wright indicated that she would be abstaining since she was not in attendance at the 1/22 meeting. **Motion** passed unanimously (6-0) with Councilmember Wright abstaining.

2. Approval of February 5, 2007 City Council Work Session Minutes.

Motion made by Councilmember Nehring, seconded by Councilmember Wright, to approve the 2/5/07 Work Session minutes as presented. **Motion** passed unanimously (7-0).

CONSENT AGENDA

Mayor Kendall announced that they would be pulling item 9, regarding the Visitor & Community Information Center Services Agreement with Greater Marysville Tulalip Chamber of Commerce, until the next cycle in order to obtain more information.

Motion made by Councilmember Rasmussen, seconded by Councilmember Vaughan, to approve the following consent agenda items 3-8, 10, 11, and 19:

- 3. Approval of January 17, 2007 Claims in the Amount of \$277,859.41; Paid by Check No. 36460 through 36569.**
- 4. Approval of January 24, 2007 Claims in the Amount of \$1,432,924.43; Paid by Check No. 36570 through 36700 with Check No. 35394, 35335, and 36260 Void.**
- 5. Approval of January 31, 2007 Claims in the Amount of \$323,918.26; Paid by Check No. 36701 through 36836.**
- 6. Approval of February 7, 2007 Claims in the Amount of \$2,472,801.60; Paid by Check No. 36837 through 36966 with Check No. 35634 Void.**
- 7. Approval of January 19, 2007 Payroll in the Amount of \$750,919.06; Paid by Check No. 17345 through 17411.**

8. **Approval of February 5, 2007 Payroll in the Amount of \$976,237.68; Paid by Check No. 17412 through 17484.**
10. **Authorize Mayor to Sign Final Mylar for Subdivision Known as Rakestraw.**
11. **Authorize Mayor to Sign Professional Services Agreement with Pac Rim Services for Professional Plans Examiner Services.**
19. **Approval of Court Administrator Position to be Placed in the M8 Classification of the Management Pay Grid.**

Motion passed unanimously (7-0).

REVIEW BIDS

None.

PUBLIC HEARING

None.

CURRENT BUSINESS

12. **Abatement & Removal of Graffiti.**

Public Comment:

Mabell Hegewald, 4425 Meridian Avenue North #9, Marysville, WA 98271.

Ms. Mabel, a 38-year resident of Snug Harbor, who has always considered Marysville her home, said she has been broken-hearted about the graffiti and vandalism. She spoke against penalizing businesses for the vandalism. She stated that the ones who are to blame should be the ones to pay the price. She said she recognizes the parents as the ultimate responsible parties. She feels that they should have to pay the price by helping their children clean up the graffiti and vandalism, doing community service and participating in parenting classes. She also suggested delaying the age when the teens can get their license until 18 if they are caught in delinquent acts.

David Toyer, 1208 – 113 Avenue SE, Lake Stevens, WA 98258

Mr. Toyer spoke on behalf of the Chamber. He encouraged the Council to amend the section regarding restrictions of paint and markers to say that it was voluntary the first year, but would be reevaluated after one year. Councilmember Rasmussen

noted that the Task Force had been in agreement with this and it had already been addressed. Grant Weed explained that that had been their intention all along.

Craig Wells, 1048 State, Business Owner

Mr. Wells was in favor of the 48-hour requirement for cleanup. His business has been targeted several times and he says that it becomes less of a problem when it is cleaned up quickly. He feels that this is simply an unfortunate cost of doing business.

Council Discussion:

Councilmember Carmen Rasmussen said that this has been an example of a great partnership between the community, city government and volunteers. She acknowledged and applauded Caldie Rogers' efforts on behalf of the Chamber.

Councilmember Jeff Seibert said he had served on the Graffiti Abatement Committee six years ago. They had similar issues and their recommendations were effective within about six months. He noted that the youth are more aggressive now and he feels that 48 hours is an appropriate timeframe from cleanup.

Mayor Pro Tem Nehring expressed his thanks to the Graffiti Task Force. He spoke in support of the voluntary request to the business community to keep certain products out of the hands of youth. He agreed with Ms. Hegewald that parents need to be held accountable and there needs to be a powerful message sent to parents. He said he would support having the kids clean up future graffiti when they are caught and have parents be involved in the consequences. Although he was in favor of the 48-hour cleanup requirement, he stated that he did not like the City and business owners having to pay the full price for this.

Councilmember Jeff Vaughan asked Chief Turner to discuss the situation regarding holding juveniles accountable. Chief Turner said that the Juvenile Court representative will be at the Task Force meeting this week. He agrees that parents should be held accountable, but there are certain state laws regarding this. There is a certain dollar amount parents can be held responsible for. Publicizing a youth's name is forbidden unless a youth is to be remanded to an adult court. The Task Force will be exploring other options such as assigning youth to cleanup. He stated that this ordinance is only one of many tools that need to be addressed.

Councilmember Lee Phillips agreed that this is just the start of what still remains to be done regarding graffiti and vandalism. He thanked all the committee members, staff and councilmembers that have been involved in this. He especially commended Jeff Vaughan for his role in addressing this issue.

City Attorney Grant Weed commented that the ordinance is intended to be a living document. Graffiti has become an epidemic in other areas. This may be an opportunity to lobby for statewide statutory revisions such as those that exist in California.

NEW BUSINESS

- 13. Professional Services Supplemental No. 3 Agreement with KPFF Engineers; State Avenue (116th Street N.E. – 152nd Street N.E.) Corridor Improvements.**

Motion made by Councilmember Seibert, seconded by Councilmember Rasmussen, to authorize the Mayor to sign Supplement No. 3 to the previously-executed Professional Services Agreement with KPFF Engineers, in the amount of \$196,585. **Motion** passed unanimously (7-0).

- 20. Technical Services Agreement; North Resource, Inc.**

Motion made by Councilmember Soriano, seconded by Councilmember Wright, to authorize the Mayor to sign the attached Service Agreement and Exhibit A from North Resource, Inc. **Motion** passed unanimously (7-0).

LEGAL

None.

ORDINANCES AND RESOLUTIONS

- 14. An Ordinance of the City of Marysville, Washington, Amending Ordinance No. 2655 to Increase the Portion of State Avenue to be Improved to Encompass the Area from Approximately 116th Street N.E. to Approximately 152nd Street N.E., and Adding Land and Property Authorized to be Condemned, Appropriated, Taken and Damaged.**

Motion made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve Ordinance 2685. **Motion** passed unanimously (7-0).

- 15. An Ordinance of the City of Marysville, Washington Amending Chapter 6.25 of the Marysville Municipal Code Relating to Abatement and Removal of Graffiti.**

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to approve Ordinance 2684 relating to abatement and removal of graffiti. **Motion** passed unanimously (7-0).

16. **An Ordinance of the City of Marysville Annexing Certain Unincorporated Area Known as the North Lakewood Annexation Area into the City of Marysville and Rezoning Said Properties Consistent with the City's Comprehensive Land Use Plan Designations.**

Motion made by Councilmember Wright, seconded by Councilmember Seibert, to approve Ordinance 2686. **Motion** passed unanimously (7-0).

17. **An Ordinance of the City of Marysville Annexing Certain Unincorporated Area Known as the Smokey Point Annexation Area into the City of Marysville and Rezoning Said Properties Consistent with the City's Comprehensive Land Use Plan Designations.**

Motion made by Councilmember Soriano, seconded by Councilmember Nehring, to approve Ordinance 2687. **Motion** passed unanimously (7-0).

Councilmember Swenson emphasized that this is a very important annexation for the City. She commended the cooperation with the County during the period of trying to get NASCAR for facilitating this.

18. **An Ordinance of the City of Marysville Amending the 2006 Budget and Providing for the Increase of Certain Expenditures Items as Budgeted for in 2006 and Amending Ordinance No. 2604, Amending Ordinance No. 2608, Amending Ordinance No. 2616, Amending Ordinance No. 2619, and Amending Ordinance No. 2679.**

Motion made by Councilmember Vaughan, seconded by Councilmember Wright, to approve Ordinance 2688. **Motion** passed unanimously (7-0).

21. **A Resolution of the City of Marysville Granting a Utility Variance for Tulalip Tribes of Washington for Property Located at 6410 "A" and "B" 23rd Avenue N.E., Marysville, Washington and Amending Resolution No. 1763.**

Councilmember Seibert asked about the letter referenced on page 2, 1.c. Ms. Swenson explained that they have been involved in negotiations with the Tribes. Staff will request a letter as soon as the Council approves this. Council will have the opportunity to review it before the variance is issued.

Motion made by Councilmember Rasmussen, seconded by Councilmember Soriano, to approve Resolution 2197 regarding the Tulalip Utility Variance. **Motion** passed unanimously (7-0).

MAYOR'S BUSINESS

22. Police Chief Appointment.

Motion made by Councilmember Nehring, seconded by Councilmember Seibert, to approve the contract for appointment of the Rick Smith as the new police chief.

Motion passed unanimously (7-0).

23. Golf Pro Contract.

Motion made by Councilmember Vaughan, seconded by Councilmember Nehring, to approve the Employment Agreement for Golf Course Professional for David Castleberry. **Motion** passed unanimously (7-0).

Other:

Mayor Kendall noted that he would be out of the office Wednesday and Thursday in Olympia. He was pleased to announce that he attended the opening of Red Robin today.

STAFF BUSINESS

Rick Smith thanked the Council and staff for the opportunity to represent the City of Marysville and the Police Department. He said he is very excited to serve here.

Paul Roberts thanked Ms. MacKenzie for her input tonight. He said that they plan to get together with her to discuss her comments. He thanked Chief Turner for the great work he has done in Marysville and welcomed Chief Rick Smith.

Grant Weed thanked Chief Turner for his efforts. He welcomed Rick Smith and said he was looking forward to working with him.

He noted that he had four matters for Executive Session: two pending litigation items, one potential litigation item, and one real estate matter. Action was expected on one of the potential litigation items and the time expected was 20 minutes.

Mary Swenson thanked Chief Turner for the great job he has done for the City. She stated that she is thrilled to have Rick Smith here.

Sandy Langdon thanked Chief Turner for his time here at the City. She congratulated Rick Smith and said she looked forward to working with him.

CALL ON COUNCILMEMBERS

Carmen Rasmussen welcomed Chief Smith. She thanked Chief Turner for everything he has done for the City.

She said she attended the Community Development Bock Grant Funding application reviews all day yesterday and today so she was unable to attend the opening of Red Robin.

She was happy with the "Gap" annexation and the opportunity to bring family-wage jobs to Marysville.

She noted that she would be out of the state from Friday until Monday.

Lee Phillips welcomed Rick Smith and thanked Chief Turner for his service.

He stated that the I-Net ~~Advisory Committee~~ would be coming to Council in March.

He said learned a lot at the Smart Growth Conference about planning development to manage traffic better and also be pedestrian-friendly. He hopes to go over some of what he learned with Gloria Hirashima and also share the information with the Council.

John Soriano thanked Councilmember Vaughan for his efforts and leadership on the Graffiti Task Force. He thanked all the committee members for their service.

He thanked Chief Turner for his service to the City, noting that he especially appreciated his help on the Public Safety Committee.

He welcomed Rick Smith as the new police chief.

Jeff Vaughan thanked everyone for their support of efforts with the Graffiti Task Force. He thanked Jeff Seibert for helping years ago with the graffiti issue and reminding them of what had been done in the past.

He thanked Chief Turner, saying that he is a really great guy who really cares about the City. He welcomed Chief Smith.

Donna Wright thanked Jeff Vaughan and the Graffiti Task Force for the work they have done.

She is thrilled with the annexation of the "Gap" area.

She thanked Chief Turner for his service and welcomed Chief Smith.

She noted that Dr. Hinds is retiring from his position as Health Officer for the Snohomish County Health District. Dr. Gary Goldbaum will be taking his place. A retirement party will be held on February 21 for Dr. Hinds.

Jeff Seibert said he enjoyed the Red Robin opening.

He welcomed Chief Smith. He commended Jeff Vaughan and the Graffiti Task Force.

He thanked Chief Turner for his service and most recently for the removal of the truck on 80th.

He said he would like to receive more information on the Lakewood area development mentioned by Ms. MacKenzie. Mary Swenson said that they would continue to pursue this subject with the County.

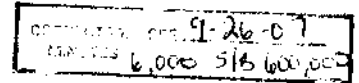
He noted that the work done because of the NASCAR project has brought forth a lot of good results.

Jon Nehring thanked Chief Turner and expressed appreciation at his dedication and hard work. He was also excited to have Chief Smith come on board. He thanked Mayor Kendall and Mary Swenson for keeping Council involved with the decision. He said he enjoyed the Red Robin opening.

He thanked Jeff Vaughan, the Graffiti Task Force and MSAC volunteers for all their hard work.

He suggested bringing up the topic of graffiti at the legislative meetings this week.

Mayor Kendall commended Chief Turner for all his hard work and dedication to the City.



Chief Turner referred to the exposé on Channel 4 regarding SnoPac. He noted that Channel 4 did not discuss the audit that showed that out of 6,000 calls there were only 64 with errors. He thinks that the transition to SnoPac has gone relatively smooth and that it was a good decision on Council's part to make that difficult choice.

He told Rick Smith that the chemistry of the Council/Police Chief relationship in Marysville is a wonderful and unique thing.

He thanked staff and the Mayor for asking him to come back. He said he was honored at the opportunity and proud to be part of the team. He commended the excellent leadership by the Mayor and Mary Swenson.

INFORMATION ITEMS

None.

ADJOURNMENT

Mayor Kendall recessed at 8:50 into Executive Session, which began at 9:00 p.m.

EXECUTIVE SESSION

Council met in Executive Session at 9:00 p.m. and discussed two pending litigations, one potential litigation, and one real estate issue.

ADJOURNMENT

Council reconvened into Regular Session at 9:25 p.m.

Motion made by Councilmember Nehring, seconded by Councilmember Rasmussen to authorize the Mayor to sign the settlement agreement with Cousins and Long Painting as discussed in Executive Session.

Seeing no further business, Mayor Kendall adjourned the meeting at 9:28 p.m.

Approved this 26th day of February, 2007.

Dennis L Kendall
Mayor
Dennis Kendall

Lillie Lein
Deputy City Clerk
Lillie Lein

Laurie Higdahl
Recording Secretary
Laurie Higdahl