

## MARYSVILLE CITY COUNCIL MEETING

March 26, 2007

7:00 p.m.

City Hall

### CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Dennis Kendall called the March 26, 2007 meeting of the Marysville City Council to order at 7:00 p.m. There was no invocation. 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, 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; Gloria Hirashima, Community Development Director; Rick Smith, Chief of Police; Doug Buell, Community Information Officer; Jim Ballew, Parks and Recreation Director; Worth Norton, Information Services Manager; Mike Shepard, Fleet/Facilities Manager; and Laurie Hugdahl, Recording Secretary.

### COMMITTEE REPORTS

Councilmember Rasmussen delivered a report on the Parks and Recreation Advisory Board Meeting of March 14. Topics discussed included the following:

- Review of off-leash dog park progress. Issues addressed regarding security between park and adjacent school.
- Gateway sign presentation
- Jennings Park renovation concept reviewed
- Parks and Recreation Summer Camp registration is out
- Parks staff planning all-comers track meet – needs financial support
- 58 Boy Scouts worked to mulch 1400 Christmas trees
- Soccer has largest registration ever
- Concert series is totally booked, sponsored by Centex Homes
- Dorothy Stanton wrote a letter thanking HomeStreet Bank for their support
- Belmark is interested in a parks project
- Easter Egg Hunt on April 7

Mayor Kendall acknowledged Boy Scout Troop 182 who was in the audience working toward a merit badge.

## **PRESENTATIONS**

### **A. Marysville Pilchuck High School Gateway Sign Presentation.**

Parks and Recreation Director Jim Ballew unveiled a prototype of the Gateway Sign, manufactured by students at Marysville Pilchuck High School. Andy Delegans, instructor at Marysville Pilchuck High School, introduced the talented student creators Kory Kerley and Jed Fowler. The young men explained the process of creating the sign.

The members of the Council were very impressed with their work. Councilmember Donna Wright asked about lighting. Director Ballew explained that it would either be front-lit or back-lit depending on the building materials utilized and the application. Councilmember Wright suggested having a plaque recognizing the artists and the school. Mr. Ballew concurred.

### **B. Employee Service Awards.**

The following employees received Employee Service Awards:

- Peter Colleran, Golf Course Supt. – 5 years
- Cheryl Dungan, Senior Planner – 15 years

### **C. Employee of the Month Award.**

The following employees were recognized for February's Employee of the Month Award for their extra efforts in helping the City process passports:

- Vanessa Welch, Program Specialist, Courts
- April O'Brien, Program Clerk

### **D. Proclamation: American Diabetes Alert Day.**

Mayor Kendall read the Proclamation designating March 27, 2007 as *American Diabetes Alert Day*.

## **AUDIENCE PARTICIPATION**

None.

## APPROVAL OF MINUTES

### 2. **Approval of March 12, 2007 City Council Meeting Minutes.**

Councilmember Wright commented that she would be abstaining since she did not attend the March 12 meeting.

Councilmember Lee Phillips referred to page 7. Under his comments, he noticed that he had been referring to the Fred Meyer in Marysville, not Everett.

**Motion** made by Councilmember Phillips, seconded by Councilmember Nehring, to approve the March 12, 2007 City Council Meeting Minutes as amended. **Motion** passed unanimously (6-0) with Councilmember Wright abstaining.

### 3. **Approval of March 19, 2007 City Council Work Session Minutes.**

Councilmember Seibert referred to page 4. He noted that in the third paragraph under item 11, the sentence should begin with Councilmember Soriano, not Councilmember Seibert.

**Motion** made by Councilmember Wright, seconded by Councilmember Seibert, to approve the minutes as amended. **Motion** passed unanimously (7-0).

## CONSENT AGENDA

**Motion** made by Councilmember Soriano, seconded by Councilmember Nehring to approve the following consent agenda items 4, 5, and 7-11:

4. **Approval of March 14, 2007 Claims in the Amount of \$223,928.18; Paid by Check No. 37624 through 37795.**
5. **Approval of March 20, 2007 Payroll in the Amount of \$629,500.12; Paid by Check No. 17614 through 17677.**
7. **Approval of Renewal of Liquor Licenses: Kuhnle's Tavern, 204 State Avenue; Maxi's Restaurant, 9611 Smokey Point Boulevard, Suite C; 4th Street Market & Deli, 1212 4th Street; 7-Eleven Store #2306-32834A, 3609 88th Street NE; 7-Eleven Store #29536, 10031A Shoultes Road; LaHacienda #4, 9922 State Avenue; Smoke Plus, 9206 State Avenue #C; and Shell Foodmart #126, 1209 4th Street.**
8. **Approval of Fireworks 2007 Stand Permits for Marysville Kiwanis (6 stands); Mountain View Assembly of God (1 stand); and Turning Point Church (1 stand).**

9. **Approval of Final Plat for Serenade Subject to Applicant Meeting All Conditions of Plat Approval Prior to April 5, 2007 Recording Deadline; PA 0006019.**
10. **Approval of Final Plat for Kenley PRD; PA 05005.**
11. **Authorize Mayor to Sign Professional Services Agreement with MWH Americas, Inc. in the Amount of \$25,870 for Stillaguamish Water Treatment Plant Improvements Tracer Study.**

**Motion** passed unanimously (7-0).

#### **REVIEW BIDS**

12. **Water Meters & Meter Transmitter Units Connection Services.**

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Soriano, to approve the Neptune bid for \$35,000 plus sales tax. **Motion** passed unanimously (7-0).

13. **Mill Site Demolition Project at 60 State Avenue.**

**Motion** made by Councilmember Nehring, seconded by Councilmember Vaughan, to authorize the Mayor to award the bid for the Mill Site Demolition project to 3 Kings Environmental in the amount of \$61,936.14 including Washington State Sales Tax and approve a management reserve of \$6,193.61 for a total allocation of \$68,129.75. **Motion** passed unanimously (7-0).

14. **Delta Avenue Sewer Replacement Project.**

Public Works Director Paul Roberts responded to Councilmember Soriano's question regarding why Marshbank had done such a good job with the bid. After consulting with staff, he thought that it was probably due to their experience with these soils.

**Motion** made by Councilmember Soriano, seconded by Councilmember Rasmussen, to authorize the Mayor to award the bid for the Delta Avenue Sewer Replacement project to Marshbank Construction, Inc. in the amount of \$398,341.48 including Washington State Sales Tax, and approve a management reserve of \$20,000.00 for a total allocation of \$418,341.48. **Motion** passed unanimously (7-0).

#### **PUBLIC HEARING**

None.

## CURRENT BUSINESS

000487

None

## NEW BUSINESS

### 15. EG/I-NET Fee.

Community Information Officer Doug Buell reviewed the new handouts in Council's packet.

City Attorney Grant Weed responded to Councilmember Seibert's question about allowable uses of the franchise funds. He explained that the current franchise agreement states that the 5% can be used for any general fund need. The proposed federal legislation would limit those uses. In the event that this passes, the franchise agreement will need to be reviewed for consistency with federal law.

Councilmember Jeff Vaughan reviewed the EG/I-Net fee issue for the benefit of the Boy Scouts in attendance. Councilmember Seibert helped illustrate the issue.

#### *Council Comments and Questions:*

Councilmember Wright acknowledged that there was some disagreement as to the intent of the original Council that approved the EG/I-Net fee. She asked if the Council has the authority to change the policy of the City regarding the EG/I-Net fee. City Attorney Weed replied that Council does have the right to make that designation.

Councilmember Phillips noted that he thought Dick Walsh has other needs down the road that were not reflected on the handout. Doug Buell commented that Mr. Walsh had not made those known to him. Mayor Kendall added that he wasn't sure if the school district had approved ~~with~~ building Mr. Walsh would be going into so he may not know at this point what his needs will be.

CORRECTED SEE GAS 9.3007  
MAY 17 PAGE 268

Councilmember Phillips commented that he feels that \$.75 would be fair, but he does not want to have the breakdown designated.

Councilmember Seibert reviewed the original decision to implement the \$1 tax. His recollection is that it was intended to be for a limited time period. He did not want it to continue on and on. He noted that the 5% from the franchise agreement could be used for funding this. Finance Director Langdon informed him that this amount is approximately \$160,000 per year and goes into the general fund.

Councilmember Seibert feels that it is unfair that the cable residents within the City of Marysville are being charged to fund the channel that those outside the city limits have access to.

He asked if any of the equipment could be used for video streaming. Doug Buell responded that it could be as long as it was reflected in the policies. Councilmember Seibert asked what programming benefits they would receive if they expended the money. Mr. Buell commented that they are using the equipment in a very limited fashion right now. In the future, residents would be able to see better quality and more daily content from others with similar equipment. The actual content would be up to the TV Advisory Committee.

Councilmember Phillips said that there is a lengthy list of options/ideas that the TV Advisory Committee has compiled. A few of these are: weekly local news programs, on-site video tours of different areas throughout the city, hot crime topics, book readings at the library, parade coverage, concerts and other events, ribbon-cuttings, and building dedications.

Councilmember Seibert commented that although he thinks sharing costs is great, he does not feel it is the city's obligation to fund the schools' needs 100%. He thinks the school district is obligated to provide the needs for education.

Councilmember Seibert asked about the current benefits of the I-Net in dollar amounts. Director Langdon did not have those figures on hand, but she thought it was approximately 30-50% savings off the phone bill, or \$3000 each month. Councilmember Seibert stated that the I-Net benefits the whole community and the whole community should help to fund it.

Councilmember Nehring concurred with Councilmember Seibert's recollection that this was instituted as a tax with a limited time period. He agrees that it is time to remove this burden from the cable bill and put it toward the whole community.

Councilmember Rasmussen concurred with the view that the I-Net should be funded from the general fund; however, the cable channel users are from the aggregate cable subscribers. Streamlining on the internet is something of value, but those who watch the cable channel are some of the most vulnerable citizens in the community. Many of these may be senior citizens who do not have broadband access and it would be denying them access to the programming to have it only on the internet. In regards to the programming, this provides a strong opportunity to build community among citizens. She feels this is very valuable. She feels that the cable channel should be paid by cable subscribers.

Councilmember Wright suggested reducing the \$1 to \$.75 and directing staff to make a policy for it.

**Motion** made by Councilmember Phillips, seconded by Councilmember Wright, to retain \$.75 to be used as recommended by staff. The committee would make the capital expense recommendations at budget time. The I-Net would get anything the committee did not spend.

CORRECTED: SEE 4/4/07  
MINUTES Page 2 of 8

Councilmember Seibert asked Councilmember Rasmussen if she thought that the programming on the cable channel that could be viewed on the internet should be shared costs. Councilmember Rasmussen replied that in the future, when there is that opportunity, it would be unfair for cable customers to pay if they are not receiving a benefit for this. Right now, the cable customers are the only ones who have access to this programming.

CORRECTED: SEE 4/4/07  
S/B Enly OWCS

Councilmember Nehring commented that he is not sure if the City should be in the TV business.

Councilmember Soriano stated that the quality of the programming could afford improvements. He thinks that the current and potential benefits to the City of the I-Net are very good. There is a possibility of saving dollars if some are invested now.

Councilmember Vaughan commented that there is a big difference between streaming to the internet and showing video clips. He stated that cable TV subscribers are getting the benefit of the channel until the time when we are able to stream to the internet.

Regarding the City belonging in the TV business, he said before he was on the council he relied on the TV station to see the debate and he had wished he could see the council meetings without coming to the meeting. He agrees that we should not be in the TV business, but we've got what it takes to get this on TV for informational purposes. He thinks they should take advantage of the funding opportunity via Comcast. He supported Councilmember Rasmussen's comments.

Councilmember Seibert asked if we have the capability to run video clips right now. Information Services Manager Worth Norton explained that there would be high monthly costs to get the high bandwidth necessary for streaming video, but we would be able to do video clips.

Councilmember Seibert asked Councilmember Vaughan how he feels about funding the I-Net out of the general fund. Councilmember Vaughan responded that he does not have a problem with co-mingling funds. This is a way for us to continue funding the I-Net. He thinks that \$.75 is prudent for now. It may be possible to look at this in the future and reduce it.

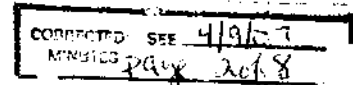
Mayor Kendall emphasized that whatever the recommendation for capital expenses from the TV Advisory Committee would come to the Council for final approval.

Councilmember Nehring said he would not support this although he could support it if it was all going to the TV channel. He would rather see it funded out of the general fund.

There was a restating of the motion.

**Motion** made by Councilmember Phillips, seconded by Councilmember Wright to assess \$.75 per cable subscriber per month to be utilized for I-Net or EG fees. Upon a roll call vote, the **Motion** passed 5-2 with Councilmembers Nehring and Seibert voting against.

**Motion** made by Councilmember Phillips, seconded by Councilmember Vaughan, to set the effective date as January 1, 2008. **Motion** passed ~~unanimously~~ 5-2 with Councilmembers Seibert and Nehring voting against.



## LEGAL

### 16. Recovery Contract for Water; Nathan Kelley; Hidden Quilceda Estates.

Community Development Director Hirashima explained that lot 15 was not included on water due to the position of the lines.

**Motion** made by Councilmember Wright, seconded by Councilmember Rasmussen, to approve Recovery Contract 273. **Motion** passed unanimously (7-0).

### 17. Recovery Contract for Sewer; Nathan Kelley; Hidden Quilceda Estates.

**Motion** made by Councilmember Soriano, seconded by Councilmember Phillips, to approve Recovery Contract 274. **Motion** passed unanimously (7-0).

## ORDINANCES AND RESOLUTIONS

### 20. A Resolution of the City of Marysville, Washington Establishing Parks & Recreation Department Fees Schedules.

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Wright, to approve Resolution 2202 establishing parks and recreation department fees schedules. **Motion** passed unanimously (7-0).

## MAYOR'S BUSINESS

Mayor Kendall stated that he would be out of town for the next nine days. He applauded the paving on 47<sup>th</sup> Street. He is very excited to see the Healthy Communities process beginning. A presentation to Council is scheduled soon.



He noted that the Strawberry Festival should be turning in a permit soon. Jim Ballew replied that it was on the way.

**STAFF BUSINESS**

Jim Ballew announced that 200 conifer trees are being donated this week to be planted on Arbor Day and Earth Day. He met with kids at TV3 to discuss development of a graffiti prevention public commercial. They hope to have it done by mid-April. The kids are very enthused.

Gloria Hirashima discussed 80<sup>th</sup> Street work. She explained that they did obtain a right-of-way permit for work and that they will be doing a full-street overlay.

Grant Weed noted the need for a 10-15 minute executive session to discuss one pending litigation item and one real estate acquisition item. They will be asking for action on the real estate matter.

Mary Swenson thanked Doug Buell for all the work he did on the EG/I-Net issue. She informed Council that the Salary Commission met tonight. There will be no changes to Council's compensation, but there will be a 15% increase to the Mayor's salary effective April 1.

Chief Smith said that he sent an email to everyone today regarding a traffic safety issue on Beach Street.

**CALL ON COUNCILMEMBERS**

Jon Nehring asked if anyone had contacted Mr. Mohs. Chief Administrative Officer Swenson said they would let him know.

John Soriano said that at the Fire Board meeting last week they mentioned that there would be a meeting on April 12 about the Sunnyside Fire Station. Ms. Hirashima affirmed that there would be a neighborhood meeting on April 12 from 6 to 7 p.m. at Sunnyside Elementary to discuss the proposed fire station on 71<sup>st</sup> and 40<sup>th</sup>.

Lee Phillips was pleased that the sign at 136<sup>th</sup> was fixed so quickly. He also appreciated the email he received regarding the process that is occurring up there. He noted that the police did an awesome job at Fred Meyer again. He thanked Doug Buell for all the hard work on the EG/I-Net issue. He stated that he appreciated everyone's willingness to support the TV station even though there was disagreement about the funding.

CORRECTED: SEE 4/9/07  
MINUTES P. 248

Donna Wright said that the Healthy Communities meeting was very well-attended and full of enthusiasm.

Jeff Seibert thanked Doug Buell for his work on the EG/I-Net fee issue. He discussed the situation on 80<sup>th</sup> Street. He asked what the process is for deciding administratively that an ordinance does not need to be fulfilled when the Council sets a policy. Grant Weed said he has not looked at this particular ordinance. Gloria Hirashima stated that the ordinance says that there is a five-year moratorium on road cutting after overlays, but the city engineer can approve a deviation. She commented that this is a very unrealistic expectation in a growing community. It would be detrimental to the City to enforce this. Additionally, all the utilities have franchise agreements stating that they can go in at any time to do improvements. Councilmember Seibert asked Grant Weed to review this and bring it back for discussion. He thinks the decision should come back to Council for approval. He asked Ms. Hirashima to have Mr. Rochon check on some garbage bags stacked up on Cedar Street. She indicated she would do that. He noted that Fred Meyer had been hit with graffiti all around the building.

Mayor Kendall added that the April 6 Public Works meeting has been moved to April 13 due to the swearing in of Police Chief Rick Smith on April 6.

Councilmember Rasmussen noted that the Parks Commission will be discussing what to do with the cannon that is currently located at Jennings Park.

#### **INFORMATION ITEMS**

None.

#### **ADJOURNMENT**

Mayor Kendall recessed at 9:20 into Executive Session, which was scheduled to begin at 9:30 p.m.

#### **EXECUTIVE SESSION**

Council met in Executive Session at 9:30 p.m., and discussed one pending litigation and one real estate item.

#### **REGULAR SESSION**

Council reconvened into Regular Session at 9:34 p.m.,

**Motion** by Councilmber Seibert, second by Councilmember Nehring to authorize the Mayor to sign the purchase and sale agreement as discussed in Executive Session. **Motion** passed unanimously (7-0).

**ADJOURNMENT**

Seeing no further business, Mayor Kendall adjourned the meeting at 9:35 p.m.

Approved this 9<sup>th</sup> day of April, 2007.

Dennis Z Kendall  
Mayor  
Dennis Kendall

Lillie Lein  
Deputy City Clerk  
Lillie Lein

Laurie Hugdahl  
Recording Secretary  
Laurie Hugdahl