

Marysville City Council Meeting

September 24, 2007

7:00 p.m.

City Hall

Call to Order / Invocation / Pledge of Allegiance

Mayor Dennis Kendall called the September 24, 2007 meeting of the Marysville City Council to order at 7:03 p.m. The invocation was given by Pastor Victor Rodriguez 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, Carmen Rasmussen, Jeff Seibert, John Soriano, Jeff Vaughan, and Donna Wright

Staff: Chief Administrative Officer Mary Swenson, Finance Director Sandy Langdon, City Attorney Grant Weed, Community Development Director Gloria Hirashima, Public Works Director Paul Roberts, City Engineer/Assistant Public Works Director Kevin Nielsen, Chief of Police Rick Smith, Parks and Recreation Director Jim Ballew, Assistant Administrative Services Director Tracy Jeffries, and Recording Secretary Laurie Hugdahl

Committee Reports

Councilmember Rasmussen reported on the Parks Advisory Board Meeting on September 12. Park staff reported on the following activities:

- Video surveillance – Internet connection available by end of month that will allow the video to be monitored off-site. There has been a substantial reduction in vandalism, graffiti and litter
- Jennings Park concrete work is done and looks great.
- Thanks to BelMark for their help with the pergolas, arbors and trellises.
- Soroptomists have donated statue for Waterfront park. Three service kiosks will also be installed.
- Strawberry Fields grant for drainage was discussed.
- Off-leash park progress being made.
- Park staff reviewed 2008 budget requests.

- Update on Healthy Communities and the YMCA grant.
- Action was taken to remove non-profit price cut from the fee schedules for rental facilities.
- Increased charge to go to Mariners' games because of their price increase.
- Initial discussion regarding community interest in a BMX park.
- A video diary of graffiti since July 25 and the cleanup that has been done by the staff is available.

Councilmember Seibert reported on the September 12 Snohomish County Solid Waste Advisory Committee meeting. The following topics were discussed:

- Cost of Service study underway with a report coming in October
- Scale automation software – RFP closing date was September 21. The vendor should be selected by mid-October.
- Canola dryer – to use the methane off of Clearview solid waste dump site to dry the canola for the biodiesel.
- Coordinated Prevention Grants for 08-09 cycle
- Alternatives to burning
- Continuity of Operations Plan – disaster or disruption in service plan for solid waste
- Disaster Debris Management Plan
- 2008 Budget update

Mayor Kendall noted that the North County Transfer station had a major electrical fire this morning and is currently closed. As a result they have put their Continuity of Operations plan in effect.

Councilmember Vaughan reported on the September 13 Graffiti Task Force meeting.

- Parks Department reported on their efforts over the summer. New graffiti vandalism methods utilizing postal stickers were discussed. The post office is taking precautions to lessen their availability.
- Police Department reported on arrest of prolific tagger in Allen Creek Elementary area
- Presentation by Dave Duke on a database that will work with GIS system for mapping locations of graffiti and crime analysis
- Next meeting - October 4

CORRECTED: SEE 10/8/2007
MINUTES 515 DDD

Presentations

A. Oath of Office.

The following police officers took the Oath of Office:

- Matthew Shelton
- Monte Wallace

- Peter Shrove
- Jacob Robbins

B. Service Awards.

The following employees received Employee Service Awards:

- Vanessa Welch, Program Specialist, Municipal Courts – 10 years
- Mary Swenson, Chief Administrative Officer – 30 years

Councilmember Lee Phillips left the meeting for a work-related activity at 7:35 p.m.

C. RTID (Regional Transportation Investment District).

City Engineer/Assistant Public Works Director Kevin Nielsen delivered a PowerPoint presentation consisting of the following:

- RTID History & Formation - Marysville is not included in the RTID Sound package on the ballot
- RTID within Snohomish County
- RTID Investment Package
- East-West connectivity issues
- Breakdown on "roads" investment by county
- Key North County Projects:
 - US 2 Trestle Improvements
 - SR 531 (172nd Street NE) Widening
 - 88th Street NE Corridor Improvements
 - Interchange Improvements – 88th Street NE and 116th Street NE
 - State Route 9 Corridor Improvements
 - Transit Improvements

More information on Blueprint for Progress is available at www.rtid.org and www.soundtransit.org

Mary Swenson noted that this final list is the result of a lot of communication and cooperation between Marysville, Arlington and the Tribes regarding North County Projects. Councilmember Koster also stepped up and assisted with the process. The final list of projects is very different from the initial list.

Councilmember Vaughan asked City Engineer Nielsen's opinion about the cost-benefit ratio to the Transit piece of this. Mr. Nielsen explained that it depends on the mindset of the citizens. As time goes on this will be a real benefit. Public Works Director Roberts commented on the timing challenges that all jurisdictions have when building systems such as these because they are typically built ahead of the heavier demand. Councilmember Vaughan commented that they get asked a lot

about these issues and he had a hard time justifying these numbers on transit when roads appear to be the issue that needs the most attention right now. Mr. Nielsen concurred but noted that this is a great package for Marysville. Councilmember Vaughan was pleased to see the project list.

Councilmember Nehring asked for clarification regarding what they would be voting for on the ballot and how the taxation worked. City Engineer Nielsen explained that they would be voting on the RTID/Sound Transit issue. City Attorney Grant Weed added that there is just one ballot proposition for voters in our area. Public Works Director Paul Roberts explained that Marysville is not in the taxing district for Sound Transit so that vote would not impact Marysville taxpayers. Councilmember Nehring summarized that if the vote passes, Marysville residents would be paying taxes on the roadway portion for Marysville. Mr. Nielsen affirmed this.

Councilmember Nehring asked about the cost for Marysville residents. Mr. Nielsen responded that it would be a sales tax of 5 cents on a \$10 purchase. Public Works Director Roberts offered to get more information on that for Council.

Councilmember Nehring thanked Director Roberts and City Engineer Nielsen for the great presentation, noting that this looks like a lot of value for the City. He asked how they would gauge the inflation factor in the future. City Engineer Nielsen indicated that they would need to check on this. He said that staff could put together a fact sheet with frequently asked questions.

City Attorney Weed clarified that there are two different areas that must pass for this to happen - Sound Transit Regional Authority boundary and the RTID boundary - and both must have a majority vote.

Councilmember Rasmussen asked for confirmation that the sales tax rate in Marysville would be 8.6% with the .1% addition. Finance Director Langdon affirmed that it would be. Councilmember Rasmussen pointed out that the other areas would have a .6% increase if both measures pass. This would be a benefit to Marysville.

Councilmember Soriano asked how the tax pool would be prioritized. City Engineer Nielsen was not sure about that. Director Roberts said that the RTID is a district so there is a governing structure there that would make those decisions.

Councilmember Nehring asked if there were any matching Marysville funds, other than the \$10 million for 88th Street, which would be involved. Mr. Nielsen said that was the only one. Chief Administrative Officer Swenson commented that it was a huge struggle to get this project on the list. There was discussion about possible sources for funding 88th Street in the future. The other projects are not contingent on the City coming up with any funds. Ms. Swenson discussed why Marysville supports the trestle. She noted that is an essential part of the road network and needs to be fixed.

Director Roberts added that Marysville is inheriting a transportation system that has failed to put in appropriate connections. We are stepping up to deal with that because it needs to be fixed.

Councilmember Seibert referred to the budget for 88th Street. He asked if a significant portion of the cost was for right-of-way acquisition. Mr. Nielsen indicated that it was.

Councilmember Seibert noted that if this doesn't pass, construction is going to be even more expensive for residents in the future. All of these things working together as a region will help Marysville.

Audience Participation

Kelly Boren, 8507 66th Place NE, Marysville, WA 98270 commented on concerns regarding the Wal-Mart and Rock Creek area. He discussed his statement at a recent Council meeting and a response he had received from staff. He expressed disappointment that he had not heard back directly from the Mayor. He asked for consideration of exploring site design alternatives or modifications to the Wal-Mart plan to further reduce possible negative impacts on neighbors.

City Attorney Weed reminded Council that the application for this project was many months ago. It went through the SEPA process, was before the Hearing examiner, through public hearings, and through significant analysis by city staff and consultants. The Hearing Examiner approved this project with a number of different conditions. Many of which were intended to mitigate the impacts of this project to ensure that it would be built consistently with city code and state law. No further appeals beyond this decision were filed. There are significant limits to what the city might do. There can still be dialogue between city staff and developer, but it would not be appropriate at this time for Council to take a vote when the permitting process has already been completed.

Community Development Director Hirashima added that because the site plan went through Superior Court, to alter it would be in violation of the approval that was rendered by the court process.

Mr. Boren asked if it was possible to improve the site plan. He was especially concerned about the theoretical mitigation for sound measures and bays on the tire center open to the west toward the neighbors.

Councilmember Seibert explained that the binding site plan gives us something we can comment on. The ordinances and state laws regulate noise and light and the developer will have to do whatever it takes to keep it below that level.

Mayor Kendall apologized for the delay in responding to Mr. Boren.

16. 2007 Comprehensive Plan Amendments.

City Attorney Weed clarified that there was not a public hearing tonight. This was merely a time for the Council to determine how to proceed. He noted that if the Council decides to remand any portion of this there may be further hearings in the future. Staff is currently seeking direction from Council as to how to proceed.

Community Development Director Hirashima discussed the amendments. She explained that the Planning Commission has recommended that city-initiated amendments #5 and #6 be remanded back to staff for additional neighborhood meetings. She explained that the Comprehensive Plan amendment cycle is allowed only once a year. Therefore, if Council accepts this recommendation they must decide if all amendments should be delayed or if just items #5 and #6 should be postponed.

Chief Administrative Officer Swenson discussed the four options before the Council. She explained that staff is recommending option 2, holding additional public hearings to consider amendments to the plan.

Councilmember Rasmussen stated that she had received a packet of information from Jeri Short and asked staff to make copies for the other councilmembers.

Chief Administrative Officer Swenson added that they had all received some communication from an attorney on this matter.

MOTION made by Councilmember Seibert, seconded by Councilmember Nehring, to direct staff to schedule a public hearing on October 22, 2007 at 7:00 p.m. in Council Chambers to consider amendments to the 2007 Comprehensive Plan and to further direct staff to identify all road alternatives and a cost matrix for each alternative and properties affected in the city-initiated Comprehensive Plan amendments #5 and #6. Additionally, staff is directed to provide an aerial view of the right-of-way that would be needed for a five-lane roadway on Sunnyside Blvd. MOTION passed unanimously (6-0).

Councilmember Rasmussen asked staff to consider an option 6 with a swoop of option 2 on the west end and a roundabout of option 4 on the east end. City Engineer Nielsen indicated they would provide that information.

Approval of Minutes

3. Approval of September 10, 2007 City Council Meeting Minutes.

MOTION made by Councilmember Nehring, seconded by Councilmember Wright to approve the September 10, 2007 Minutes. MOTION passed unanimously (6-0).

4. Approval of September 17, 2007 City Council Work Session Minutes.

MOTION made by Councilmember Soriano, seconded by Councilmember Nehring, to approve the September 17, 2007 Work Session Minutes. MOTION passed unanimously (6-0).

Consent

MOTION made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the following Consent Agenda items 5-8 and 13:

5. Approval of September 12, 2007 claims in the amount of \$1,234,727.94; Paid by check no.'s 41861 through 42008 with no check no.'s voided.
6. Approval of September 19, 2007 claims in the amount of \$1,477,803.64; Paid by check no.'s 42010 through 42168 with no check no.'s voided.
7. Approval of September 20, 2007 payroll in the amount of \$739,413.99; Paid by check no.'s 18542 through 18612 with no check no.'s voided.
8. Approval of Elite Taxi Cab Corporation, a New For-Hire Business to operate in Marysville.
13. SR 528, 47th Avenue NE to 67th Avenue NE, Road Improvements Snohomish County PUD No. 1 Distribution Easement.

MOTION passed unanimously (6-0).

Review Bids

Public Hearings

Current Business

11. Acceptance of the Jail Door Controls to start the 45-day lien filing period.

MOTION made by Councilmember Soriano, seconded by Councilmember Rasmussen, to approve acceptance of the jail door controls to start the 45-day lien filing period. MOTION passed unanimously (6-0).

New Business

9. 66th Avenue NE Underdrain and Storm Replacement Project to be awarded to Trico Contracting, Inc.

Seibert asked Grant if this was the City's standard contract. City Attorney Weed replied that it was not. It was based upon the LAG manual. Councilmember Seibert noted that the indemnification language was different than our standard. It is an addendum to the contract and doesn't spell out elected officials. City Attorney Weed agreed, but commented that it still provides indemnification to the City to the greatest extent that we can expect.

MOTION made by Councilmember Wright, seconded by Councilmember Rasmussen, to award the bid for the 66th Ave NE Underdrain and Storm Replacement Project to the apparent low bidder, Trico Contracting, Inc., in the amount of \$189,907.55 including Washington state sales tax, authorize the Mayor to sign the contract documents, and approve a 5% management reserve of \$9,495.38 for a total project allocation of \$199,402.93. MOTION passed unanimously (6-0).

10. Parkside Water Main Replacement Project to be awarded to Trico Contracting Inc.

MOTION made by Councilmember Vaughan, seconded by Councilmember Wright, to award the bid for the Parkside Water Main Replacement Project to the apparent low bidder, Trico Construction, Inc., in the amount of \$142,653.09 including Washington state sales tax, authorize the Mayor to sign the contract documents, and approve a 5% management reserve of \$7,100 for a total project allocation of \$149,753.09. MOTION passed unanimously (6-0).

12. A **Resolution** declaring items of personal property to be surplus and authorizing the sale or disposal thereof.

MOTION made by Councilmember Nehring, seconded by Councilmember Soriano, to approve Resolution 2221. MOTION passed unanimously (6-0).

14. Professional Service Agreement with Otak, Inc. to provide consulting services to update the City's Surface Water Comprehensive Plan.

MOTION made by Councilmember Nehring, seconded by Councilmember Seibert, to authorize the Mayor to sign the Professional Services Agreement with Otak, Inc. in an amount not to exceed \$400,000. MOTION passed unanimously (6-0).

15. Northwest Management System Contract to perform and update the City's Pavement Management System Study.

MOTION made by Councilmember Wright, seconded by Councilmember Soriano, to accept the contract with Northwest Management Systems to perform an update of

the City's pavement management system study in the amount of \$94,055. MOTION passed unanimously (6-0).

John Tatum, Tom King and Kevin Nielsen were present to answer any questions. There were none.

17. A Recreation and Conservation Office **Resolution** for Youth Athletic Fund Grant Application.

MOTION made by Councilmember Rasmussen, seconded by Councilmember Nehring, to approve Resolution No. 2222. MOTION passed unanimously (6-0).

18. A **Resolution** supporting Sound Transit (a regional transit authority) and RTID (a regional transportation investment district) Proposition #1 for regional roads and transit systems and urging voter approval of said proposition on the ballot November 6, 2007.

The ballot title reads substantially as follows;

To reduce transportation congestion, increase road and transit capacity, promote safety, facilitate mobility, provide for an integrated regional transportation system, and improve the health, welfare and safety of the citizens of Washington, shall Sound Transit (a regional transit authority) implement a regional rail and transit system linking Lynnwood, Shoreline, Northgate, Seattle, Bellevue, Redmond, SeaTac airport, Kent Federal Way and Tacoma as described in the Sound Transit 2 plan, financed by the existing taxes approved by the voters in 1996 and an additional sales and use tax of up to five-tenths of one percent imposed by Sound Transit, all as provided in Resolution No. _____; and shall a regional transportation investment district (RTID) be formed and authorized to implement and invest in improving the regional transportation system by replacing vulnerable bridges, improving safety, and increasing capacity on state and local roads to further link major education, employment, and retail centers as described in Moving Forward Together: A Blueprint for Progress-King, Pierce, and Snohomish Counties, financed by a sales and use tax of up to one-tenth of one percent and a local motor vehicle excise tax of up to eight-tenths of one percent imposed by RTID, all as provided that the Sound Transit taxes shall be imposed only within the boundaries of Sound Transit, and the RTID taxes shall be imposed only within the boundaries of RTID?

Yes

No

City Attorney Weed commented that two things are required. One is that the agenda has to show the complete title of the ballot measure as it is going to go before the voters. There was an appeal to the ballot title which may be resolved by now, but

this is the most recent option that staff was able to obtain. The second thing required is to allow equal time for opposing views if anyone wants to speak for or against this. Mayor Kendall solicited comments from the public or councilmembers on this matter. There was no public comment.

Councilmember Vaughan commented that he thinks the road projects are vital to the traffic infrastructure in the City and he is happy to see them as part of the RTID package. He is, however, concerned with the practice of having resolutions for or against ballot issues. He does not think a unified voice from the Council will make a difference in getting this passed. It may even work to have the opposite effect. He thinks presentations like the one tonight by Kevin Nielsen will be most beneficial in getting the word out. He encouraged citizens to get educated on the issue and to vote their conscience on it.

Councilmember Wright agreed with Councilmember Rasmussen's earlier comment that, "We've got to start somewhere." She thinks citizens look to council for direction and she said she would be in favor of this.

Councilmember Seibert said he was in favor of package and might support the resolution at a later time. Right now he is more comfortable encouraging people to get informed and to vote.

Councilmember Rasmussen said she thinks it is important that citizens are specifically directed to inform themselves of the benefits that will happen to them and to the Marysville-area network of roads. She feels that if we don't get something started now the traffic problems will just get worse and worse.

Councilmember Soriano noted that Robert Mac had been debating this issue on *Up Front with Robert Mac*. Councilmember Soriano said he would be in support of this.

Councilmember Nehring said he would support encouraging citizens to educate themselves. He would also like to get information back about the future dollar amounts. Kevin Nielsen did some research during the meeting and explained that the dollar amounts listed were in today's dollars. The amounts were for construction-year dollars. He also verified the sales tax component.

Councilmember Wright noted that there must be information in the Voters Pamphlet for and against this. Chief Administrative Officer Swenson agreed that there are links there that we can send people to from the website. There was discussion about having the PowerPoint presentation and frequently asked questions about this issue on the City website for public information.

Councilmember Vaughan restated that the problem he has with this is that it will show that Marysville City Council is for this issue. He is opposed to the Council putting a stamp of approval on these types of issues.

Councilmember Rasmussen said she would prefer not to vote out of deference to Councilmember Vaughan. She felt that there should be a unanimous vote of support on this or no vote at all.

Mayor Kendall noted that they could take out "in favor of" to urge the citizenry to educate themselves to vote. City Attorney Weed agreed that they could do that, but staff would need to revise the title of the resolution and the last "Whereas" paragraph on the last page. There was consensus to revise this and bring it back on the next cycle. Ms. Swenson said they would also prepare a press release for Council review.

Legal

Mayor's Business

Staff Business

Jim Ballew:

- Soroptomist sculpture is done. Thanks to the crew for putting that together.
- United Way approached Marysville with Steps to Health project. They will be setting up six fitness stations in Jennings Nature Park geared toward families.
- October 6 is diabetes Walk-a-thon. He will be walking and welcomed any who might be interested in sponsoring him.
- They have made an offer for the Recreation Coordinator position. The candidate is expected to come on board in the next few weeks.
- Wendy Bart and Eric Katzenbuehler are off to Washington DC to learn how to coach the City in Healthy Communities.

Sandy Langdon said that they are busy working on budget. She clarified that the actual locations of the budget workshops have not been determined yet.

Chief Rick Smith:

- It was nice to have four people sworn in tonight. They hope to have two or three more in the next few months.
- Tip-a-Cop will be held at Red Robin on Saturday, September 29 from 11 a.m. to 8 p.m.

Grant Weed stated that he had three matters concerning personnel and three matters concerning real property for Executive Session. It was expected to take no longer than 30 minutes.

Call on Councilmembers

Carmen Rasmussen:

- Congratulations to Mary Swenson on her 30 years with the City.

- Marysville Youth Action Network will be meeting on Wednesday. This is a group of people who work together to provide a network of resources for youth who want to pursue a passion.

John Soriano:

- Congratulations to Mary.
- The paving looks great on Grove Street. He wondered if the islands would be replaced. Kevin Nielsen said that they would.
- He asked if someone from the City would be attending the SnoGlobe Forum. Mayor Kendall said that Doug Buell is a permanent member of this group and will be attending.

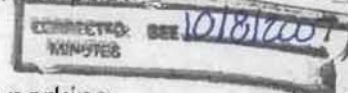
Jon Nehring congratulated Mary Swenson.

Jeff Seibert:

- Congratulations to Mary.
- He appreciates that they are taking care of road needs.
- He recommended working with Snohomish County to do what we can to let citizens know that the transfer station is closed.
- As part of the Disaster Debris Management Plan, the County is trying to identify properties that they can use to store debris in the event of an emergency. The City will be asked to do the same in the future.

Donna Wright:

- Congratulations to Mary.
- Thanks to Paul and Kevin for the RTID presentation
- Soroptomists are having a fundraiser auction in October. Tickets are now available from her or Carmen Rasmussen.
- She suggested prohibiting parking on Grove Street. Kevin Nielsen was very reluctant to approach this subject due to public outcry about this in the past.
- Seibert requested more information on this matter.



Councilmember Rasmussen noted that along the elementary school, the parking along the sides of 528 is packed from the YMCA back to the park with people from the apartments parking there. She suggested that the apartment residents might park on the street because it's challenging to make a left-hand turn out of the apartments in the morning.

Mayor Kendall asked Chief Smith to have some extra focus on 47th Street on Saturdays and Sundays to address people that park in the no-parking zones. This has created a dangerous situation with pedestrians, especially children, crossing the streets.

Jeff Vaughan:

- Thanks to the rest of the Council for considering his position regarding endorsing the ballot measure.
- Congratulations to Mary

Information Items

Adjournment

Mayor Kendall recessed from 9:39 p.m. until 9:45 when Council reconvened into Executive Session.

Executive Session

Executive Session began at 9:45 p.m., expected to last 30 minutes with no action needed.

- A. Litigation
- B. Personnel – 3 items
- C. Real Estate – 3 items

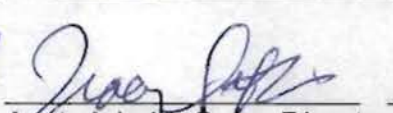
Adjournment

Seeing no further business, Mayor Kendall adjourned the meeting at 10:15 p.m.

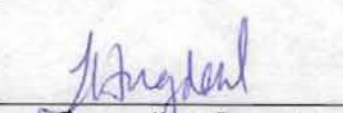
Approved this 8 day of October, 2007.



Mayor
Dennis Kendall



Asst. Admin. Svcs. Director
Tracy Jeffries



Recording Secretary
Laurie Hugdahl