

Marysville City Council Work Session

October 15, 2007

7:00 p.m.

City Hall

Call to Order / Pledge of Allegiance

Mayor Dennis Kendall called the October 15, 2007 work session of the Marysville City Council to order at 7:00 p.m. Mayor Kendall led those present in the Pledge of Allegiance.

MOTION made by Councilmember Soriano, seconded by Councilmember Seibert, to excuse Councilmember Phillips who was on his honeymoon. MOTION passed unanimously (6-0).

Committee Reports

Councilmember Carmen Rasmussen reported on the October 10 Parks Advisory Board Meeting:

- A high student presented a letter and the results of a petition at the high school regarding interest in a BMX park. She requested that the park board look at the possibility of a BMX park.
- New Recreation Coordinator Andrea Hartland was presented.
- Update on 2008 budget by Jim Ballew.
- Off-leash dog park proposal was presented.
- Bayview Trail corridor – property acquisition continues.
- Statue that was donated by the Soroptomists has been installed at Ebay Waterfront Park.
- David Doop's graffiti database was discussed.
- United Way is working with the Parks and Recreation department to install signs and interactive fun things for young kids and their parents to do in the nature park.

Parks and Recreation Director Jim Ballew added that they had applied for a grant from the Trust for Public Lands and Game Time for the North Point Park Playground several weeks ago. He was pleased to announce that within two days they were awarded the grant which will pay for half of the equipment that we have looked at and possibly some surfacing.

Presentations

1. Off-Leash Dog Park Proposal.

Parks and Recreation Director Jim Ballew gave a PowerPoint presentation. The handout was distributed at meeting and covered the following:

- What is an off-leash park
- Siting criteria – size, environmental considerations, noise factors
- Site design and amenities – surfacing, double-gated entrance, dog waste, fencing, water source, regulation signage, small shelter, ADA accessible parking/travel
- Liability issues – recommendations from WCIA
- Recommended off-leash park sites:
 - Kiwanis Nature Park, 6714 40th Street NE – 5 acres, 4.0 acres usable – Initial Outlay \$16,800 to \$20,000
 - 71st and Grove – vacant property, 2.26 acres
 - Strawberry Fields Park/Trail – 32 acres currently utilized as open space trails, approximately 2-3 acres is suitable for a proposed off-leash park

He informed the Council that Marysville Dog Owners Group (M-DOG), Sno-DOG, Poochapalooza, PetCo, PetSmart and other local businesses and individuals have expressed their interest and willingness to support this idea.

Councilmember Seibert asked if the Kiwanis park is designed as part of the trail system. Director Ballew reported that it is not currently, but there is a potential to connect to the Whiskey Ridge system. There also might be a possibility to connect to the Qwuloolt project in the long run. If this happens, the trail could probably be incorporated with the park or run adjacent to it.

Councilmember Donna Wright asked Mareka Burgess from the Parks Department to talk about her personal experience and opinion about dog parks. Ms. Burgess discussed what she sees as some of the benefits of dog parks:

- They offer an opportunity for both pets and owners to socialize
- Dog owners are very attached to their pets and this is a need that will eventually need to be met. People currently drive considerable distances to access dog parks. This could be a factor for people when considering where to buy a home.
- Owners and pets both benefit by getting exercise
- There are strong advocacy groups willing to help out with the parks
- Dog lovers have a vested interest in taking good care of the parks
- Marymoor Park has an email system and a very organized way of communicating with users.
- Seniors with dogs feel safe at an off-leash park
- Families get exercise and spend time together

Councilmember Jon Nehring asked about the cost for the other sites. Mr. Ballew indicated that the fencing cost would be about the same for all the sites.

Councilmember Rasmussen asked which sites they were suggesting pursuing at this time. Chief Administrative Officer Swenson said that they were proposing the first two (not Strawberry Fields) at this time. There was general consensus by Council to

look into this. Ms. Swenson said they could see how the community interest goes before deciding on both sites or which sites. Director Ballew proposed considering the two sites and starting to conduct community meetings to get a sense of community interest. He emphasized the strong business support of this.

Councilmember Rasmussen noted she has asked all of the dog owners who walk by her house and they are all very supportive of this.

2. Wood Stove Replacement Program.

Community Information Officer Doug Buell introduced Kathy Himes of the Puget Sound Clean Air Association who gave a PowerPoint presentation on Marysville Fine Particulate Matter Overview. The presentation included the following:

- Definition of PM2.5 – Fine particulate matter (sometimes called soot)
- Woodsmoke combined with inversions that are common in this area results in high concentrations of PM2.5
- Marysville concentrations are close to the federal standard
- Puget Sound Clean Air Association received funding to change out up to 95 old woodstoves – people can go to website, fill out information, must live in city limits, must be woodstove prior to 1995, will receive a coupon to upgrade to a cleaner stove.
- Hope to be able to change out more woodstoves next year.
- Phone survey done recently – results coming
- Temporary monitoring – short term monitoring during this heating season (September through March)
- More information at www.pscleanair.org or www.cleanair.org/woodstove.replacement (coming November 1)

Councilmember Donna Wright asked about alternatives for when the power goes off. Ms. Himes discussed their *No Power, No Problem* program whereby no burn bans would be issued in the event of a power outage. Councilmember Wright noted that her experience has been that pellets and gas won't work if power goes off.

Councilmember Wright commented that the monitoring is done in the trough where the concentrations would be the highest. Ms. Himes concurred. She stated that they tried to place around census tracts where people are heating with wood and downwind of those areas.

Mayor Kendall explained that when the wind comes in it ends up right at the monitor because it bounces off the hill. He added that what's going on on the west side is what's hitting the monitor. Ms. Himes said that it was also from the north. She said that on the days when they are having the highest concentrations the wind is coming from the north. Mayor Kendall noted that it swirls around.

Councilmember Seibert said that his opinion was that they wouldn't want it on the hill because it would naturally be lower concentrations and it would give you a false average. He stated that it is important to know where the problem areas are.

Councilmember Seibert asked if fireplaces would qualify for the replacement. Ms. Himes said they would not at this point. Councilmember Seibert asked if certified wood stoves be part of the upgrade program. Ms. Himes replied that they would if they were at least half of the federal emission standard. Applicants would get a coupon for a greater amount if they opted for a cleaner alternative. Councilmember Seibert commented that the updated building code that was being proposed for adoption has criteria for certified wood stoves.

Community Information Officer Doug Buell said he would be working with their agency to get the word out to the public about this program. He noted that Public Works Director Paul Roberts is also involved in some committees with the Clean Air Agency.

Discussion Items

Approval of Minutes

3. Approval of October 8, 2007 City Council Meeting Minutes.
4. Approval of October 15, 2007 City Council Work Session Minutes.

Consent

5. Approval of October 10, 2007 claims in the amount of \$1,400,789.37; Paid by check no.'s 42533 through 42700 with no check no.'s voided.
6. Approval of October 17, 2007 claims.
7. Approval of October 19, 2007 payroll.

Review Bids

Public Hearings

8. 2007 Comprehensive Plan Amendments.

Community Development Director Hirashima stated that they would have a hearing next week on the 2007 Comprehensive Plan Amendments. There was an updated report from Perteet that addressed cost matrix alternatives and an updated staff report in Council's packet. Consultants were present from Perteet to answer any questions that Council might have.

Councilmember Seibert asked about which properties would be affected by the various options. Michael Stringham from Purteet explained those.

Councilmember Seibert asked how 71st and 44th would get access to this road if it was built. Staff explained that that would be designed later. City Engineer/Assistant Public Works Director Kevin Nielsen added that developers would provide road access to the developments.

City Attorney Grant Weed commented that there would be a full public hearing on this matter next Monday.

Councilmember Carmen Rasmussen stated that it would be nice to see a conceptual plan of how traffic would flow through that area, especially relating to 71st and 44th.

Councilmember Seibert noted that he had requested an overview of Sunnyside Blvd. with a view of what 5 lanes would look like. Mr. Nielsen replied that it would be in the presentation next Monday, but they would try to provide something to Council earlier.

Councilmember Seibert said that the Comprehensive Plan map on page 3 was too difficult to read and requested one that was clearer. Community Development Director Hirashima indicated that they would provide a color full-size map.

9. Calvary Chapel Annexation.

Current Business

New Business

10. Acceptance of the Stillaguamish Water Treatment Plant Project to Start the 45-Day Lien Filing Period for Project Closeout.

Councilmember Seibert commented that there had been an issue with communication. He wondered if there had been a resolution to that. Public Works Director Paul Roberts replied that it is ongoing, but is a separate item. This item declares that the IMCO work is complete.

11. Standard Consultant Agreement with Berger/Abam Engineers Inc. to Perform Preliminary Engineering and Environmental Review Documentation for the Lakewood BNSF Railroad Overcrossing Project for the Estimated Cost of \$581,803.00.

Staff explained that this is being prepared as though it were eligible for federal and state funding. This will open the door for the next round of funding. This would be another step in that direction.

Councilmember Seibert commented that earlier there was talk of an RID for this property. He asked if the design was necessary whether we do it or whether it goes into an RID process. Public Works Director Paul Roberts indicated that it was. Mayor Kendall added that they needed this in order to request TIB and federal funding.

Councilmember Soriano referred to page 11-36. He requested a map of the area. Mr. Nielsen described the area and indicated that they would provide a map.

9a. A **Resolution** for Annexation and Prezone, and Authorization to Transmit the Calvary Chapel Annexation to the Snohomish County Boundary Review Board for Review.

12. Compromise Agreement and Mutual Release with MWH Americas, Inc. Associated with HVAC System Retrofit and Repair Work.

Mr. Nielsen indicated that this was to improve the air systems and to recoup costs for changes that need to take place. Councilmember Vaughan asked if the City would be doing the work first and then getting reimbursed. Mr. Nielsen indicated that that was the case. Councilmember Vaughan asked how comfortable they were that they would be able to decrease the decibel level enough. Mr. Nielsen replied that they would do monitoring after the improvements and if it is not low enough they would be doing further improvements. Councilmember Vaughan asked if they would be using a noise engineer. Mr. Nielsen replied that they would.

Public Works Director Paul Roberts commented that there are many steps that can be taken and if it is not done properly they will have to go back and do further analysis. Mr. Nielsen noted that this was brought up through staff's investigation with noise engineers; it was not a complaint by anyone. This was discovered in the process of making sure the job was done right.

Councilmember Vaughan referred to citizen concerns about the Wal-Mart tire shop. He wondered if Wal-Mart would be compelled to do checks like this to maintain a certain noise standard. Gloria Hirashima replied that they would be prompted by enforcement via complaints.

Public Works Director Paul Roberts stated that they have a specification to build a plant to certain limits. That's why they've structured this item in this way.

Councilmember Seibert asked if the Compromise Agreement be signed after it has been shown that they have performed as requested. Mr. Nielsen affirmed that was

the case. City Attorney Weed concurred that the City does not want to sign away our rights that this has been properly built.

13. An **Ordinance** of the City of Marysville, Washington, Adopting By Reference the International Building Code and International Residential Code and the International Building Code Standards 2006 Edition, Excluding the International Electrical, Plumbing, Property Maintenance and Energy Codes, Chapter 34, Existing Buildings and Amending Marysville Municipal Code Chapter 16.04, 16.08, and 16.28; and Adding a New Section Codified as Chapter 16.12, the National Electric Code; and Severability.

Building Official John Dorcas commented that he had received an email from City Attorney Cheryl Beyer saying that there will be some minor formatting changes to the ordinance before next Monday. He stated that this Ordinance adopts the 2006 International Building Code that the state has adopted. They have also updated the fee structure a little to keep up with inflation rates. He was please that they City would be adopting the International Electrical Code so we can have our own electrical department. This will be a good step for the city. He noted that the fire sprinkler requirement square footage has been reduced with this.

Councilmember Soriano referred to fees on page 24. He wondered why these fees jumped so much higher than the other fees. Mr. Dorcas explained that they were low to start with and they needed to cover the cost of staff time.

Councilmember Seibert pointed out some typos.

Councilmember Seibert referred to page 18, section 16.12.060 and noted that the criteria for prohibited cables is not clear. Mr. Dorcas explained this. Councilmember Seibert had concerns that home occupations with shop buildings would be required to rewire the whole building if they wanted to make modifications. Mr. Dorcas explained that if you do not modify more than 50% of the structure you would not need to upgrade. Gloria Hirashima said they could review this and see what other jurisdictions are doing. Mr. Dorcas commented that they modeled this after the City of Everett and they can ask them how they handle this.

Councilmember Seibert referred to page 13 of 30 regarding existing buildings. It was not clear to him if the intent is to have them required to replace the electrical system if they do any repairs or alterations. Mr. Dorcas indicated that they would look into this. Councilmember Seibert asked about the permit application for electrical. He wondered if the design needed to be done by a certified engineer. Would a family be required to have a contractor do design for small alterations? Mr. Dorcas replied that the scope of work would be the determining factor. Safety is their primary concern.

Councilmember Seibert noted that the NEC's reference should be NABF70.

Legal

14. Recovery Contract for Sewer; KRG/WLM Marysville, LLC.

There was some question and answer about the location of utilities on the map.

Mayor's Business

Mayor Kendall explained that there had been a request for confirmation from City Council for a new Civil Service Appointment. There is a meeting on Wednesday of this week and they would like to have this approved.

MOTION made by Donna Wright, seconded by Soriano, to approve the appointment of Kamille Norton to the Marysville Civil Service Commission Board serving until March 10, 2012. MOTION passed unanimously (6-0).

Staff Business

Paul Roberts discussed timeframe for 528 in response to Council's questions at a previous meeting. He explained that we have 95 working days on that project. It will take a couple weeks to get the details worked out and they will start probably in mid-November. They will only work on weekdays and are subject to weather delay so this may be completed in some time of the second quarter of 2008. Councilmember Nehring asked how this would affect traffic. Mr. Roberts replied that they would try to minimize impact, but it would definitely impact traffic.

Mayor Kendall asked about Grove Street. Mr. Roberts said they would be bringing back a recommendation to Council at the next meeting.

Sandy Langdon reminded Council of the budget workshops next week at 5:00 on Tuesday and Thursday. She noted that the Finance Committee meeting would not be held next week.

Jim Ballew said that PUD is on site at Ebey and they are getting ready to set the large utility pole.

Healthy Communities leadership team will be meeting on Wednesday, 24th at 9:30 a.m. The results so far have been very positive.

Mary Swenson noted that the National League of Cities meeting was coming up in March in Washington D.C. She requested that interested councilmembers let them know.

She gave an update on the college effort. Councilmember Wright asked if it would be helpful to have a resolution from the entire council saying that they support

this. Ms. Swenson thought this would be helpful and indicated that they would get that together. She added that there would be a town hall style meeting next Tuesday at Marysville Pilchuck High School. She informed Council that she would need an Executive Session to discuss one personnel item and one pending litigation item. It was expected to last about 30 minutes.

Grant Weed noted that he had been prepared to discuss the proposed bill that would require taping of executive sessions. Due to the late hour he indicated that he would distribute written materials tonight and would give a presentation at the next work session.

Call on Councilmembers

Carmen Rasmussen commended Mayor Kendall, Mary and the staff for the excellent presentation to the Governor's office regarding the UW campus. They were very thorough and represented the City very well.

She spoke with John McCoy about the civil penalties issue for graffiti. He was open to bringing forward that legislation if it was deemed to be legally permissible. Since the City will be meeting with AWC this week, she felt that this was something that should be brought up with them. She also noted that a parks and pathways issue also needs to be brought up at AWC. Jim Ballew explained that they had asked for a recommended project from Marysville and staff had recommended Qwuloolt. Mary Swenson added that staff is working on a legislative agenda and this is something that could be added to that.

Jeff Vaughan displayed a map showing the results of the graffiti database by highlighting incidents and concentrations of incidents. This is very useful for analyzing crime data.

Jeff Seibert asked if the City has a design for a gateway sign that will mount on the pole. Mr. Ballew indicated that there is a design and the pole will have brackets installed for the design that was proposed.

John Soriano attended the school district open house today. He commented that the layout for the new elementary school on Grove Street shows the traffic island dumping onto Grove Street. He stated that Jeff Massie needs to be aware of this.

Donna Wright referred to the Snohomish Conservation District presentation awhile ago. She had received a letter from them asking her to sign a proposed letter as an authorized representative of the City. She said she did not feel it was appropriate to sign as an "authorized representative of the City". Mayor Kendall concurred.

Information Items

15. Marysville Library Board Minutes; September 13, 2007.

Adjourn

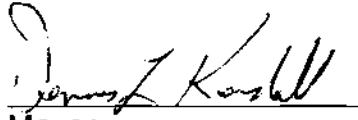
Mayor Kendall recessed at 9:10 p.m. into Executive Session, which was scheduled to begin at 9:15 and last for 30 minutes.

Motion by Councilmember Seibert and second by Councilmember Wright to authorize the Mayor to approve additional funding for Foster Pepper Litigation.

Adjournment

Seeing no further business, Mayor Kendall adjourned the meeting at 10:00 p.m.

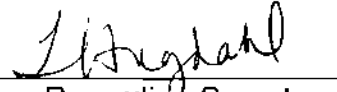
Approved this 22 day of October, 2007.



Mayor
Dennis Kendall



Asst. Admin. Svcs. Director
Tracy Jeffries



Recording Secretary
Laurie Hugdahl