

COUNCIL

Marysville

MINUTES

Regular Meeting

December 10, 2007

Call to Order / Invocation / Pledge of Allegiance

Mayor Dennis Kendall called the December 10, 2007 meeting of the Marysville City Council to order at 7:00 p.m. at Marysville City Hall. The invocation was given 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: Councilmember Jon Nehring, Councilmember Lee Phillips, Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano, and Councilmember Jeff Vaughan

Absent: Councilmember Donna Wright

Also Present: Chief Administrative Officer Mary Swenson, Finance Director Sandy Langdon, Community Development Director Gloria Hirashima, City Attorney Grant Weed, Chief of Police Rick Smith, Commander Ralph Krusey, Public Works Superintendent Larry Larson, Public Works Operations Manager Terry Hawley, Parks and Recreation Director Jim Ballew, Accounting Manager Denise Gritton, City Clerk Tracy Jeffries, and Recording Secretary Laurie Hugdahl

Motion made by Nehring, seconded by Councilmember Vaughan, to approve Councilmember Wright's absence, due to medical conditions. **Motion** passed unanimously (6-0).

Committee Reports - None

Presentations

A. Oath of Office.

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approval of Minutes	
Approve November 26, 2007 City Council Meeting Minutes.	Approved
Approve December 3, 2007 Work Session Minutes.	Approved
Consent Agenda	
Approve November 21, 2007 Claims in the Amount of \$1,450,224.89; Paid by Check No.'s 43457 through 43592 with No Check No.'s Voided.	Approved
Approve November 28, 2007 Claims in the Amount of \$428,294.48; Paid by Check No.'s 43593 through 43700 with Check No.'s 42502 and 43577 Voided.	Approved
Approve December 5, 2007 Claims in the Amount of \$754,010.93; Paid by Check No.'s 43702 through 43843 with Check No.'s 53589 and 43701 Voided.	Approved
Approve December 5, 2007 Payroll in the Amount of \$1,084,665.88; Paid by Check No.'s 18876 through 18940.	Approved
Authorize the Mayor to sign the Interlocal Cooperative Agreement for Northwest Minichain Services between the City of Marysville and Whatcom County.	Approved
Authorize the Mayor to Accept the North 240 Zone Reservoir and Transmission Main Project to Start the 45-Day Lien Filing Period for Project Closeout.	Approved
Authorize the Mayor to Sign the City Attorney Retainer Agreement.	Approved
Review Bids	
Public Hearings	
Receive Comments on the Proposed 2008-2013 Marysville Water Conservation Goal.	Held
Consider a Request to Terminate a Development Agreement which Placed Development Restrictions, Above and Beyond Current Zoning Provisions, on a Parcel of Property Located at 1312 Cedar Avenue	Held
Current Business	
New Business	
Adopt an Ordinance of the City of Marysville, Washington Amending MMC 14.19.070 to Provide for an Interest Rate, and a Sewerage Lien for the Collection of Surface Water Utility Rates Where the Property in Question is Not Also Served by City Water.	Approved Ord. No. 2726
Adopt an Ordinance of the City of Marysville, Washington Increasing Water and Sewer Utility Rates, Amending Sections 14.07.060 and 14.07.070 of the Marysville Municipal Code as Allowed Under Section 14.07.075.	Approved Ord. No. 2727
Adopt an Ordinance of the City of Marysville, Washington, Amending Ordinance 960 by Terminating the Development Agreement Upon which the Rezoning of Certain Property had Been Conditioned (Reference Public Hearing).	Approve Ord. No. 2725
Adopt an Ordinance of the City of Marysville, Washington, Amending the City's Development Regulations Related to Definitions of "Household" and	Approved Ord. No. 2728

<p>"Master Planned Senior Community", Deletion of RU and Freeway Service Zones, Addition of Whiskey Ridge Zones, and Revisions to Development Standards Related to Residential, Resource, and Commercial/Industrial Zones, On-site Recreation Fees, Landscape Buffers, and Tandem Parking, and Amending Chapters 19.06, 19.12, 19.14, 19.16, 19.18, and 20.24 and Repealing Chapter 19.37 of the Marysville Municipal Code.</p>	
<p>Adopt an Ordinance of the City of Marysville Amending the 2007 Budget and providing for the increase of certain expenditure items as budgeted for in 2007 and Amending Ordinance No. 2676, Amending Ordinance No. 2682, Amending Ordinance No. 2692, and Amending Ordinance No. 2699.</p>	<p>Approved Ord. No. 2729</p>
<p>Adopt an Ordinance of the City of Marysville, Amending Chapter 3.51 of the Marysville Municipal Code by Updating the Ordinance Establishing and Regulating the Petty Cash Fund, a Change and Imprest Fund of the City.</p>	<p>Approved Ord. No. 2730</p>
<p>Approve Marysville School District No. 2 and City of Marysville School Resource Officer Agreement.</p>	<p>Approved</p>
<p>Legal</p>	
<p>Mayor's Business</p>	
<p>Staff Business</p>	
<p>Call on Councilmembers</p>	
<p>Information Items</p>	
<p>Adjournment</p>	<p>9:07 p.m.</p>
<p>Executive Session</p>	
<p>Litigation - None</p>	
<p>Personnel – 2 items</p>	
<p>Real Estate – 3 items</p>	
<p>Adjournment</p>	

Chief Rick Smith announced the promotion of James Strickland from Custody Officer to Custody Sergeant. He introduced a new tradition of a senior supervisor passing down their rank to the person being promoted. Commander Ralph Krusey discussed the department's current need for a new sergeant and its plans for future hires. Sergeant Hall reviewed James Strickland's background and passed down his rank to him. Sgt. Strickland was then sworn in by Mayor Kendall.

B. Councilmember's Oaths of Office for New Term.

Mayor Kendall gave the Oath of Office for the following returning councilmembers:

- John Soriano
- Lee Phillips
- Carmen Rasmussen

City Attorney Grant Weed gave the Oath of Office to Mayor Kendall for a four-year term as Mayor of Marysville.

There was a recess from 7:22 until 7:32.

C. Service Awards.

D. Snohomish County Cities Proposed Legislative Priorities.

Mayor Kendall reviewed the handout from Snohomish County Cities and Towns regarding proposed legislative priorities.

Audience Participation

None.

Approval of Minutes

1. Approval of November 26, 2007 City Council Meeting Minutes.

Motion made by Councilmember Rasmussen, seconded by Councilmember Soriano, to approve the November 26, 2007 City Council Meeting Minutes as presented. **Motion** passed unanimously (6-0).

2. Approval of December 3, 2007 City Council Work Session Minutes.

Motion made by Councilmember Vaughan, seconded by Councilmember Nehring, to approve the December 3, 2007 City Council Work Session Minutes as presented. **Motion** passed unanimously (6-0).

Consent

Motion made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve the following consent agenda items:

3. Approval of November 21, 2007 Claims in the Amount of \$1,450,224.89; Paid by Check No.'s 43457 through 43592 with No Check No.'s Voided.
4. Approval of November 28, 2007 Claims in the Amount of \$428,294.48; Paid by Check No.'s 43593 through 43700 with Check No.'s 42502 and 43577 Voided.
5. Approval of December 5, 2007 Claims in the Amount of \$754,010.93; Paid by Check No.'s 43702 through 43843 with Check No.'s 53589 and 43701 Voided.
14. Approval of December 5, 2007 Payroll in the Amount of \$1,084,665.88; Paid by Check No.'s 18876 through 18940.
11. Authorize the Mayor to sign the Interlocal Cooperative Agreement for Northwest Minichain Services between the City of Marysville and Whatcom County.
13. Authorize the Mayor to Accept the North 240 Zone Reservoir and Transmission Main Project to Start the 45-Day Lien Filing Period for Project Closeout.
16. Authorize the Mayor to Sign the City Attorney Retainer Agreement.

Motion passed unanimously (6-0) to approve the Consent Agenda.

Review Bids

Public Hearings

12. A Public Hearing to Receive Comments on the Proposed 2008-2013 Marysville Utilities Water Conservation Goal.

The public hearing was opened at 7:38 p.m. Staff had no additional information. Mayor Kendall solicited public comment. There was none. There were no council comments or questions.

Motion made by Councilmember Soriano, seconded by Councilmember Rasmussen, to approve Public Works staff's recommendation to approve the six-year water conservation goals to meet the Water Efficiency Rule accepted by the State Legislature.

Motion passed unanimously (6-0).

8. A Public Hearing to Consider Request to Terminate a Development Agreement which Placed Development Restrictions, Above and Beyond Current Zoning Provisions, on a Parcel of Property Located at 1312 Cedar Avenue (Reference New Business).

Gloria Hirashima commented that the proposal was initiated by the property owner.

Public Testimony:

Lynn Sass, 1315 Cedar Avenue, stated that she lives across the street from the property. She spoke on behalf of her neighbors and stated that they are strongly opposed to the building of another multi-family building in their neighborhood. They are already surrounded by multi-family buildings and are dealing with the consequences such as litter, graffiti, speeding cars, parking problems, drugs, theft and vandalism. She discussed the high turnover rate of the renters in the neighborhood and how this fosters a poor neighborhood environment. The neighbors are fed up with the situation and do not want another multi-family development there.

Chris Hanson, Camano Island, co-owner of 1312 Cedar Street, spoke in favor of the removal of the developer agreement. He stated that this is the first he has heard of Ms. Sass's issues. He did not feel that her comments were pertinent to the removal of this development agreement.

Councilmember Nehring asked Community Development Director Hirashima if there is any benefit to the city in doing this. Director Hirashima explained that this would not change the zoning of the property. The problems referred to by Ms. Sass are problems that are associated with the current neighborhood. This particular development agreement was placed in 1977 and since then the entire area has been zoned multi-family. She explained that they have updated the City's code so that consistent requirements apply across the board instead of developer agreements like this one. She discussed the restrictions in the existing development agreement and how these differ from the City's code.

Councilmember Seibert asked about height and landscaping requirements. Ms. Hirashima reviewed those. She discussed historical development issues in that area.

Councilmember Rasmussen commented that this is a matter of fairness since the entire area is zoned multi-family and this property would have requirements above and beyond those requirements. Director Hirashima concurred.

Councilmember Nehring wondered why this wasn't taken care of at the time of the area-wide rezone. Director Hirashima was not sure. City Attorney Grant attempted to explain the sequence of events.

Mayor Pro Tem Nehring asked how many more of these types of agreements there are on Cedar. Director Hirashima indicated they could obtain that information if needed. Councilmember Nehring acknowledged that the neighborhood concerns are significant and he suggested renewing the City's efforts in addressing those. Jeff Vaughan concurred and asked what recourse the City has with multi-family property owners whose properties consistently cause problems in the neighborhood. Chief Smith explained that the Code Enforcement Officer can be out there as well as certain statutes that deal with landlord/tenant laws. Jon Nehring commented on the number of complaints he has received regarding rentals. He expressed his support of re-evaluating

and enforcing code enforcement issues for multi-family properties and rentals. Ms. Hirashima discussed how they are re-evaluating their nuisance code and plan to bring that back in the next few months.

Jeff Vaughan commented that some cities have standards in place in terms of tenant screening and holding landlords responsible for some issues. Grant Weed agreed that some cities have attempted tenant screening. Some have been upheld and some have not. There is state code that addresses landlord responsibilities.

Carmen Rasmussen stated that there is not always adequate staffing to enforce the code. She suggested increasing the funding for code enforcement/community policing position mid-year. While in the process of considering a stricter code, the City also needs to supply the resources to enforce this.

Jeff Seibert commented that the City of Everett has "No Drug Zones" and "No Prostitution Zones". He asked Chief Smith about his opinion of this. Chief Smith said he was in support of it as long as it is well thought out and legally sound. He commended the residents for their involvement. He discussed the crime analysis unit that they are putting in place. He suggested calling and asking for a sergeant or a lieutenant right away so there can be follow-up.

Motion made by Councilmember Rasmussen, seconded by Councilmember Seibert, to approve the Ordinance 2725. **Motion** passed unanimously (6-0).

Current Business

New Business

6. An **Ordinance** of the City of Marysville, Washington Amending MMC 14.19.070 to Provide for an Interest Rate, and a Sewerage Lien for the Collection of Surface Water Utility Rates Where the Property in Question is Not Also Served by City Water.

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to approve the Ordinance 2726. **Motion** passed unanimously (6-0).

7. An **Ordinance** of the City of Marysville, Washington Increasing Water and Sewer Utility Rates, Amending Sections 14.07.060 and 14.07.070 of the Marysville Municipal Code as Allowed Under Section 14.07.075.

Motion made by Councilmember Nehring, seconded by Councilmember Soriano, to approve the Ordinance 2727. **Motion** passed unanimously (6-0).

8. An **Ordinance** of the City of Marysville, Washington, Amending Ordinance 960 by Terminating the Development Agreement Upon which the Rezoning of Certain Property had Been Conditioned (Reference Public Hearing).

9. An **Ordinance** of the City of Marysville, Washington, Amending the City's Development Regulations Related to Definitions of "Household" and "Master Planned Senior Community", Deletion of RU and Freeway Service Zones, Addition of Whiskey Ridge Zones, and Revisions to Development Standards Related to Residential, Resource, and Commercial/Industrial Zones, On-site Recreation Fees, Landscape Buffers, and Tandem Parking, and Amending Chapters 19.06, 19.12, 19.14, 19.16, 19.18, and 20.24 and Repealing Chapter 19.37 of the Marysville Municipal Code.

Director Hirashima discussed the revision to Day Care Centers parking requirements on page 14/18 of the staff report.

Councilmember Seibert commented that the wording referring to "students" also needs to be updated. Ms. Hirashima indicated that this would be changed on the final draft. Ms. Hirashima discussed the fence requirement provisions which are discussed in Section 20.24.075

Councilmember Seibert stated he still has issues with the "fee in lieu of" issue. He discussed his concerns with this. He spoke against that change in the code. Director Hirashima noted that staff intends to bring conditions for a "fee in lieu of" back to Council. Jeff Seibert wondered if it would be possible to pass the rest of this and hold this one section over. Grant Weed discussed their options.

Councilmember Vaughan asked Councilmember Seibert for clarification about his thoughts. There was discussion about this. Councilmember Seibert commented that if it can't be developed with some type of recreational space maybe it shouldn't be developed in that way. Councilmember Vaughan compared this situation to Casino Road in Everett where there are a lot of apartments and nice parks, yet there are still a lot of issues in the neighborhood. Councilmember Seibert did not think that there were on-site recreational facilities at the apartments there. Carmen Rasmussen commented that most of those apartments along Casino Road do have on-site recreation areas. She was in support of looking at this more after staff had a chance to review it.

Grant discussed options available to Council. Staff recommended adopting this with the changes tonight and then giving direction to staff to bring back this particular issue. Mayor Kendall suggested deleting Code Amendment 13 for now.

Councilmember Seibert requested that the entire section 19.14 regarding recreation space in Planning Area 1 be remanded back to the Planning Commission review.

Motion made by Councilmember Rasmussen, seconded by Councilmember Seibert, to approve the Ordinance 2728, with the removal of Code Amendment 13, with the two minor changes that were discussed by Community Development Director Gloria Hirashima, and with the understanding that section 19.14.100 to 19.14.140 would be remanded back to the Planning Commission. **Motion** passed unanimously (6-0).

10. An **Ordinance** of the City of Marysville Amending the 2007 Budget and providing for the increase of certain expenditure items as budgeted for in 2007 and Amending Ordinance No. 2676, Amending Ordinance No. 2682, Amending Ordinance No. 2692, and Amending Ordinance No. 2699.

Motion made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve the Ordinance 2729. **Motion** passed unanimously (6-0).

15. An **Ordinance** of the City of Marysville, Amending Chapter 3.51 of the Marysville Municipal Code by Updating the Ordinance Establishing and Regulating the Petty Cash Fund, a Change and Imprest Fund of the City.

Motion made by Councilmember Rasmussen, seconded by Councilmember Nehring, to approve the Ordinance 2730. **Motion** passed unanimously (6-0).

17. Marysville School District No. 2 and City of Marysville School Resource Officer Agreement.

Chief Smith reminded Council that at the end of last year the school district dropped funding one position, but they are holding funding for half of one position for this year.

Carmen Rasmussen said she was extremely grateful that the school district decided to make this a priority. Chief Smith reviewed the responsibilities of the current SRO. Councilmember Rasmussen commended the work done by the SRO.

CAO discussed how they are continuing to look at this and to look for grant funding. Chief Smith explained that this change forces the SRO to be reactive instead of proactive.

Councilmember Vaughan also expressed concern about the school district's decision to cut back SRO's and the school security budgets. He commented how this creates a more difficult situation for the City of Marysville. He asked about the coverage of Marysville-Pilchuck High School. Chief Smith said they are contracting with the count for a full-time deputy.

Motion made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve the contract and the funding for the school resource officer funding for 2008. **Motion** passed unanimously (6-0).

Legal

Mayor's Business

None.

Staff Business

Grant Weed stated that he had three matters for Executive Session concerning acquisition of real estate with action following in the public meeting. He also had two matters concerning personnel with action following in the public meeting. He estimated that they would need 25 minutes.

Larry Larson had no comments.

Gloria Hirashima:

- Code Enforcement did a sign patrol this weekend. They picked up five one-yard dumpsters on Saturday afternoon. The City of Lake Stevens and Snohomish County were also out doing the same thing.
- She wished everyone a Merry Christmas.
- Jeff Seibert asked if the signs were recycled. Ms. Hirashima said they are discussing this for the next time.

Mary Swenson:

- There are some promotions within the police department. She was involved in all the interviews and was very impressed with the process and the candidates.
- She is pleased to be working with everyone again next year. Congratulations to all who were re-elected.
- She and Councilmember Rasmussen attended an event at Everett Community College.
- Merry Christmas to everyone.

Sandy Langdon:

- She stated that there is nothing on the agenda for the Finance Committee meeting this month. There was consensus to cancel the meeting this month.
- Congratulations to councilmembers.

Jim Ballew

- He just returned from the Pioneering Healthy Communities conference. It was very nice to have the Mayor with us. 18 cities attended and we are well ahead of the other 17.
- There will be a leadership planning meeting here on Thursday at 7:30 a.m.
- He presented the Human Services Council Community Collaboration Award to Mayor Kendall. He also presented related certificates to John Soriano, the City and Carmen Rasmussen.
- He reiterated that it's been a great year. He welcomed the Chief Smith and Tracy Jeffries this year. He said he was looking forward to 2008.

Chief Smith discussed sergeant and lieutenant testing. All the interviews were very intense. He thanked Mary for her time during the interviews. Larry Buell and Brad Akau have been promoted and will be informally sworn in by the Mayor on Tuesday. Jeff Goldman was also promoted to Lieutenant. He thanked the Council for their support in this.

Call on Councilmembers

Carmen Rasmussen:

She discussed her visit to the design class at Everett Community College who presented their ideas for a community campus. She thoroughly enjoyed the experience. She commented on the kindness of a contractor at 47th and 4th who assisted an elderly woman across the mess.

Lee Phillips wished everyone a Merry Christmas.

John Soriano wished everyone a Merry Christmas. He said he was looking forward to another four years of working with everyone.

Jeff Vaughan brought up the possibility of a having a toll road up in the Lakewood Crossing area to aid in traffic flow. He wished everyone happy holidays.

Jeff Seibert wished everyone Happy Holidays. He welcomed all of the Councilmembers back. He commended Chief Smith for developing criteria for how the police department will deal with the annexation that will happen in two years. He thought that was a great idea for a project.

Jon Nehring asked for someone to respond to a citizen request regarding installing a solar-powered light at the island near the library. Mayor Kendall indicated this would be brought up at the traffic safety meeting.

Jeff Seibert commended the re-striping at Grove Street. There was consensus that this was an improvement.

Jon Nehring reviewed some positive events of 2007 and discussed goals for the upcoming year.

There was discussion of committee appointments. There was consensus that Councilmember Rasmussen and Councilmember Vaughan would swap fire board and public works.

Information Items

Adjourn

Mayor Kendall recessed the meeting at 9:07 until 9:12 p.m. when Executive Session began.

Executive Session

Council met in Executive Session at 9:12 p.m. on 2 personnel items and 3 real estate items.

Motion by Councilmember Nehring and Second by Councilmember Seibert to authorize the mayor to sign settlement agreement with Swimme as discussed in executive session. Motion carried 6-0.

Motion by Councilmember Soriano and Second by Councilmember Seibert to authorize the Mayor to sign purchase and sale agreement with Hendrickson as discussed in executive session. Motion carried 6-0.

Motion by Councilmember Seibert and Second by Councilmember Nehring to authorize the Mayor to sign purchase and sale agreement and first and second addendum of purchase and sale contract with Roberts as discussed in executive session. Motion carried 6-0.

Motion by Councilmember Rasmussen and Second by Councilmember Seibert to approve Ordinance No. 2731 for the condemnation, appropriation, taking and damaging of land and other property for purposes of establishing a public park, preserving open space, and wetlands mitigation required for public projects, as discussion in executive session. Motion carried 6-0.

Motion by Councilmember Rasmussen and Second by Jeff Vaughan to authorize the Mayor to sign grant agreement with Sound Transit and provide \$240,146.00 in matching funds as discussed in executive session. Motion carried 6-0.

Motion by Councilmember Phillips and Second by Councilmember Seibert to authorize the Mayor to sign memorandum of understanding with the MPOA for hiring and recruiting incentives as discussed in executive session. Motion carried 6-0.

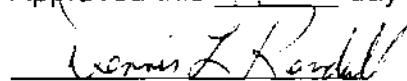
Motion by Councilmember Soriano and Second by Councilmember Jeff Vaughan to authorize the Mayor to sign settlement agreement regarding employee manner as discussed in executive session. Motion carried 6-0.

Adjourned out of Executive Session 9:31 p.m.


Adjournment

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

Approved this 14th day of JANUARY, 2007



Mayor
Dennis Kendall


Asst. Admin. Svcs. Director
Tracy Jeffries