

COUNCIL



MINUTES

Work Session *October 20, 2008*

Call to Order / Invocation / Pledge of Allegiance

Mayor Dennis Kendall called the October 20, 2008 Work Session of the Marysville City Council to order at 7:00 p.m. at Marysville City Hall. He 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, Councilmember Jeff Vaughan and Councilmember Donna Wright

Absent: None

Also Present: Chief Administrative Officer Mary Swenson, Finance Director Sandy Langdon, Police Chief Rick Smith, Community Development Director Gloria Hirashima, Public Works Director Kevin Nielsen, City Attorney Grant Weed, City Clerk Tracy Jeffries, and Recording Secretary Laurie Hugdahl

Committee Reports

None

Presentations

Discussion Items

Approval of Minutes

1. Approval of October 13, 2008 City Council Meeting Minutes.

2. Approval of October 20, 2008 City Council Work Session Minutes.

Consent

3. Approval of October 8, 2008 Claims in the Amount of \$895,416.27; Paid by Check No.'s 50616 through 50789 with Check No. 50518 Voided.
4. Approval of October 15, 2008 Claims.
5. Approval of October 20, 2008 Payroll.

Review Bids

6. Award SR 9 Reservoir Demolition.

Mayor Kendall stated that this is a placeholder. Bids will be open on Thursday. The budget is \$100,000.

Public Hearings

7. Smokey Pointe Associates / White-Leasure Right-of-Way Vacation Public Hearing.

The Public Hearing for this Right-of-Way Vacation will be held October 27, 2008.

New Business

8. An Ordinance of the City of Marysville Vacating a Portion of Unimproved Right-of-Way Located North of 172nd Street NE / SR 531, East of 27th Avenue NE and South of Assessor's Tax Parcel Number 31052000403000.

The Public Hearing for this will be held on October 27. Community Development Director Hirashima commented that the ownership information at the time of the plat dedication has been included in the packet as requested by Council. White Leasure did not own the property at the time of the dedication. She added that White Leasure will be contesting the amount of compensation required.

The staff recommendation includes the following conditions: 1) 20-foot wide utility easement will be retained and a deduction is recommended for this; and 2) Compensation be required at \$71,105.76 or that compensation be in the form of an agreement to construct a gateway sign.

Councilmember Seibert asked if we know how much the sign would cost. Director Hirashima replied that the estimates range from \$60,000 to \$70,000.

City Attorney Weed discussed how public works bids/contracting laws factor into this. If White Leasure owned the sign rather than giving it to the city this would not be an issue.

He discussed options available to Council in the ordinance that will be proposed at the hearing next week.

Councilmember Rasmussen asked if the cost estimate for the sign included just the sign or if it included the labor also. Director Hirashima thought that it was just the sign construction. They will be providing estimates next week. She commented that a \$40,000 sign would probably be more likely given the additional costs for labor.

City Attorney Weed added that we don't record the final street vacation ordinance that is adopted until all the conditions are met.

Councilmember Seibert suggested possible either/or verbiage regarding the compensation or the gateway sign construction. City Attorney Weed thought this would be fine.

Councilmember Soriano referred to page 8-30 where a letter to one of the planners mentions a discrepancy between what is on the map and the legal description. He asked if this has been taken care of. Director Hirashima indicated she would check on that.

9. An Ordinance of the City of Marysville, Washington Amending MMC 6.03.120 Correcting Statutory References; and Amending Chapters 6.06 and 6.51 Adopting and Incorporating by Reference Certain Specified State Criminal Statutes and Incorporating by Reference the State Misdemeanor Crime of Criminal Street Gang Tagging and Graffiti.

Chief Smith explained that this would amend the municipal code to be consistent with the RCW. Grant Weed commented that many of the criminal code provisions are incorporations of the state statutes by reference. The legislature adopted this statute last June and it will be incorporated by reference. He reviewed the proposed amendments, which give the police department and the prosecutor another tool to use. Chief Smith discussed the importance of this and how it will improve law enforcement's efforts.

Councilmember Nehring asked if there is any age limit to this. Chief Smith said that there is not; it is applicable if they are identified as a gang member. Grant Weed commented that it also depends on how the juvenile court and prosecutor's office are willing to deal with this.

Councilmember Nehring asked how we work in conjunction with the County on these issues. CAO Swenson stated that we communicate directly with them. The graffiti offender jacket is one of the results of that communication.

Chief Smith added that the Law and Justice Committee for the County is an avenue to raise awareness as is the County Sheriff's and Chiefs Association. This has been and will continue to be a topic there.

Councilmember Vaughan asked if any other cities are incorporating this from the RCWs yet. Grant Weed was not sure if others have done this yet, but expected that they would be soon. Chief Smith remarked that Vancouver has. Washington County, Beaverton and Portland, Oregon all have done similar things with their legislation.

Carmen Rasmussen commented that there will be a meeting on October 29 with the lead prosecuting attorney for the juvenile court. They plan on discussing this matter with him.

Councilmember Vaughan pointed out that it is not a crime to belong to a gang. This legislation links certain activities along with membership which allows law enforcement to hold individuals accountable for their actions. He added that there have been 41 arrests, mostly juveniles, over the last year and none of those have been re-offenders. He commented that there was an adult who was processed through our courts for graffiti and was heavily penalized.

10. Small Works Contract with Correct Equipment, Inc. in the amount of \$37,348.50 including Washington State Sales Tax for the Edward Spring Booster Pump Rebowling Project.

This is to do pump work on the Edward Springs Booster Pump Station which will be retrofitted to provide fire flow to the 460 pressure zone north of the Edward Springs site.

11. Recovery Contract (Sewer) for Eagle Bay Homes, LLC in the Amount of \$368,704.98.

Mayor Kendall reviewed the proposed Recovery Contract. Director Hirashima added that the reason the amount is so high is that they installed a lift station that will serve all of Sunnyside.

12. Professional Services Agreement in the Amount of \$44,505.00 with Kleinfelder West, Inc. for Technical Services on the Sunnyside Well Rehabilitation Project.

Director Nielsen reviewed the status of the wells. This will rehabilitate Well #2 and provide water to the reservoir.

Councilmember Soriano asked about a discrepancy in the time of performance on the main document and the scope of work. Director Nielsen indicated that December 31 is the deadline.

Legal

Mayor's Business

Mayor Kendall:

- He was advised that we were awarded Local Government Stormwater Grant that Kari Chenault had applied for in the amount of \$75,000.
- IHOP is supposed to be open this week.
- Milgard will be closing down and moving its operations to a plant in Tacoma. They are looking at putting the building on the market at the end of the year.
- Linens-N-Things filed bankruptcy back in March and will be closing its store.

Staff Business

Gloria Hirashima:

- We are submitting for a US EPA Brownfields Grant application. One of the requirements is that they need to do a press release and do a community meeting two weeks prior to submittal. There will be a press release soon and staff may need to add a late item on next week's Council meeting or possibly the Planning Commission meeting. They will be doing a Community Assessment Grant for the waterfront area and a Site Specific Submittal for the Crown mill property.

Grant Weed:

- He attended a short conference sponsored by WCIA with a presentation regarding recent developments in adult use and "sexpresso" stands. There was discussion about ways that this type of activity is promoted and advertised on the internet. At this time there are none of these stands in Marysville, but there are some nearby.
- He and a small group of attorneys also attended WCIA to plan training for next year. The emphasis will be on land use and planning.
- He also attended the WSAMA conference on Thursday and Friday and got a lot of great new ideas. He will be sharing some of those ideas in the future.
- There was a need for a five-minute executive session concerning employee discipline.

Jeff Vaughan asked about the espresso stands. He asked Grant Weed if they anticipate Council doing anything in advance of those types of businesses coming in to the city. City Attorney Weed replied that they probably would not do anything in advance since the adult use code we have now is about as expansive as it can be. He explained that it appears that the part of the code dealing with indecent exposure is the place to deal with this. Councilmember Vaughan asked about possible issues with traffic delays. Grant Weed replied that there isn't a statute or law that makes it unlawful for the business to create a distraction but drivers can certainly be cited for violations of the rules of the road. He stated the best way to remedy this is through the existing indecent exposure laws.

Sandy stated that the budget workshop would be held at 5:00 p.m. Tuesday night in the Council chambers.

Kevin Nielsen:

- Gave updates on recent paving.

- Transportation coordination with WSDOT is going well.
- Discussed study on the boundary change for water in the north end.
- Grinding in the City will be occurring.
- 5th Street sewer is complete.
- Verizon is caught up on locates.
- Piling removal at the Interfor property went very smoothly.

Chief Smith:

- No public safety meeting this month.
- Reviewing the Comprehensive Emergency Management Plan and updating it. They are looking at adding additional elements with the critical infrastructure into the plan. They are looking at the ability to project critical infrastructure during major incidents.
- Will be having two exercises during a six-month period. One will be a manmade or a natural disaster and will occur during November. The second will be a tactical scenario and will be evaluating fire and police response.
- Received a recent grant for protective masks and pouches.
- Two graffiti arrests were made last night.
- PSA for Halloween safety for kids.
- ProAct Team very successful with catalytic converter thieves. He commended the ProAct team for their great work.

Mary Swenson:

- Staff is still working on the Paine Field resolution.
- The forum on gangs will be held on November 6th and 7th.

Call on Councilmembers

Carmen Rasmussen discussed relocating the post office and the importance of keeping it in the city due to maintain the sales tax revenue.

Jeff Vaughan - no comments.

Donna Wright - no comments.

Jon Nehring - no comments.

Lee Phillips thanked the Council for the excused absence last week.

John Soriano - no comments.

Jeff Seibert asked if there would still be a public works meeting on November 7. Staff indicated that this is still to be determined.

Adjournment

Council recessed at 7:58 into Executive Session, which was scheduled to begin at 8:05 and to last for five minutes with no action.

Executive Session

- A. Litigation
- B. Personnel – One item
- C. Real Estate

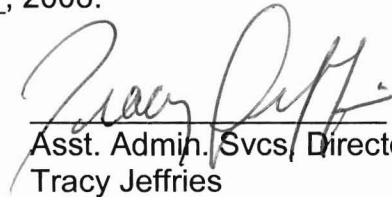
Adjournment

Seeing no further business, Mayor Kendall adjourned the meeting at 8:10 p.m.

Approved this 27th day of October, 2008.



Mayor
Dennis Kendall



Asst. Admin. Svcs. Director
Tracy Jeffries