

# COUNCIL



# MINUTES

**Work Session**  
*January 5, 2009*

## **Call to Order / Invocation / Pledge of Allegiance**

Mayor Dennis Kendall called the January 5, 2009 meeting of the Marysville City Council Work Session to order at 7:02 p.m. at Marysville City Hall. 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 council members 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.

**Also Present:** Chief Administrative Officer Mary Swenson, Community Development Director Gloria Hirashima, Finance Director Sandy Langdon, Chief of Police Rick Smith, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Community Information Officer Doug Buell, City Attorney Grant Weed, Recording Secretary Laurie Hugdahl

## **Committee Reports**

None

## **Presentations**

None

## **Discussion Items**

## **Approval of Minutes**

1. Approval of December 8, 2008 City Council Meeting Minutes.

2. Approval of January 5, 2009 City Council Work Session Minutes.

### **Consent**

3. Approval of December 10, 2008 Claims in the Amount of \$869,917.09; Paid by Check No.'s 52022 through 52162 with Check No. 48119 Voided.
4. Approval of December 17, 2008 Claims in the Amount of \$242,632.40; Paid by Check No.'s 52163 through 52323 with No Check Numbers Voided.
5. Approval of December 24, 2008 Claims in the Amount of \$989,957.83; Paid by Check No.'s 52324 through 52493 with No Check No.'s Voided.
6. Approval of December 31, 2008 Claims.
7. Approval of December 19, 2008 Payroll in the Amount of \$929,203.40; Paid by Check No.'s 20756 through 20813.
8. Approval of January 5, 2009 Payroll.

### **Review Bids**

### **Public Hearings**

### **New Business**

9. Amendment No. 1 to the Agreement between Okanogan County, Washington and the City of Marysville, Washington, for the Housing of Inmates in the Okanogan County Jail.

Chief Smith reviewed this item. Councilmember Nehring asked if the City provides medical insurance for the inmates. Chief Smith explained the City provides coverage during the transport of inmates. Each facility generally provides coverage while the inmate is there.

10. Sixth Amendment to Chief Administrator Officer's Employment Contract.
11. Interlocal Agreement between Snohomish County and the City of Marysville for Auto Theft Task Force Services.

Chief Smith reviewed this item. This is a reimbursement to the city.

12. A **Resolution** of the City of Marysville Declaring Miscellaneous Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.

There were no questions regarding this item.

13. A **Resolution** of the City of Marysville Affirming the Recommendation of the Hearing Examiner and Granting a Conditional Shoreline Substantial Development Permit to Allow Development of a Commercial Trucking, Storage and Maintenance Facility.

Gloria Hirashima reviewed this item. She noted that the hearing examiner has recommended approval. Staff is also recommending approval.

Councilmember Rasmussen requested a map showing the easement for the proposed pedestrian trail. Director Hirashima indicated they would provide that.

Councilmember Nehring referred to item 13-3, concerning Reid Shockey's comments about the right-in right-out turning movements. Gloria Hirashima further explained this item and noted that Condition 15 addresses this.

Councilmember Seibert asked if the Traffic Movement Plan could also be distributed to Council. Gloria Hirashima affirmed that it would.

14. An **Ordinance** of the City of Marysville, Washington Amending the City's Code Enforcement and Nuisance Regulations and Amending Chapters 4.02 and 6.24 of the Marysville Municipal Code.

Gloria Hirashima introduced the revisions to the Code Enforcement Procedures and Nuisance Regulations.

Councilmember Donna Wright asked about procedures for having non-operational or unused vehicles towed. Chief Smith thought that a property owner could have the vehicles towed off their property whether it is theirs or not. There was some discussion about tow companies that will not pick up a vehicle without a title.

Councilmember Seibert asked for clarification of item C on page 14-14. Code Enforcement Officer Rochon reviewed the process for a Temporary Enforcement Order, Stop Work Order, and Emergency Order.

Councilmember Seibert referred to page 14-14, (C) (c) and asked what a "timely appeal" would be. Mr. Rochon stated that they have 10 days to appeal as stated in 9a. Grant Weed suggested adding "pursuant to section 090 below."

Councilmember Seibert expressed concern about the nonoperational or unused vehicles section on page 14-18. He discussed how people who restore or collect cars would be impacted by this code. Director Hirashima commented on options available to the Council. Mr. Rochon added that this part of the code is not really changing.

Councilmember Seibert asked how they would address premises with overgrown vegetation when developers who purchase property and are waiting for approval to develop that lot. He expressed concern about the inequality of the code. Mr. Rochon

stated that this is already part of the code. Director Hirashima indicated that staff would come up with some language for large tracts of undeveloped property.

Councilmember Seibert expressed concern about item 18 on page 14-19 regarding storm water discharge. Director Nielsen explained that this refers to purposely discharging water onto someone else's property.

Councilmember Seibert asked for clarification on heavy commercial equipment. Kevin Nielsen suggested weight would be the most appropriate way to define this. Staff indicated they would look into this. There was discussion about whether truck and tractor rigs should be allowed to park on residential lots with proper screening.

Councilmember Wright expressed concern about the impact of items 25 and 26 on future annexation areas. She also referred to item 17 on page 14-19 and asked who determines whether the fences, walls, etc. are sound and sanitary. Mr. Rochon and Director Hirashima explained how this is determined.

Councilmember Soriano referred to the civil penalties section near the bottom of page 14-13. He asked if the ongoing violation would be documented. Mr. Rochon indicated that the City would be documenting this regularly.

Councilmember Soriano referred to page 14-19, item 16, and asked if there is a certain amount of flexibility with this. Mr. Rochon reviewed the intent of this item and noted that it can be a case-by-case basis, but this is an important tool for the City to have.

Councilmember Seibert referred to page 14-16 regarding liens. Grant Weed explained that this comes from State laws.

Councilmember Vaughan asked about screening options available to someone on page 14-18, item 11. Gloria Hirashima noted that it would need to be behind a fence. Grant Weed indicated that they would clarify "unless screened from public view" since it is used several times in the document. There was discussion about clarifying this to refer to only motorized vehicles.

15. An **Ordinance** of the City of Marysville, Washington, Setting Forth the Agreement between the City of Marysville and T-Mobile West Corporation, a Delaware Corporation, Granting T-Mobile, Its Successors and Assigns a Nonexclusive Franchise to Construct, Operate, Maintain, Remove, Replace, and Repair Wireless Facilities within City Right of Way.

Director Hirashima reviewed this item. Grant Weed discussed the different types of agreements associated with franchises.

Councilmember Soriano asked where these two locations are. Director Hirashima indicated they would include a map with the locations. She added that they are both on PUD poles.

Gloria Hirashima explained that they are considering revisions to the wireless code to address these facilities.

16. An **Ordinance** of the City of Marysville Amending the 2009 Budget and providing for the increase of certain expenditure items as budgeted for in 2009 and Amending Ordinance No. 2751.

Chief Administrative Officer Swenson explained that there was an error in the Director grid so this ordinance corrects the error.

## **Legal**

### **Mayor's Business**

- Mayor Kendall welcomed everyone back to the new year.
- He discussed interesting statistics pertaining to Marysville.
- He attended the opening of the new food bank. It is a very nice facility.
- Report on snow incident will be coming.

### **Staff Business**

Doug Buell commented on the City's response to the obesity issue in the media. Healthy Communities Healthy Food subcommittee will be meeting next week. The teacher who developed the community garden will be coming to address the group.

Chief Smith will be bringing crime stats to the Council soon.

Kevin Nielsen reviewed the snow event from December 14-29, including man hours and other expenses, which totaled approximately \$60,000. After cleanup it is expected to total about \$100,000. He commended Jim Hayes of the streets crew who put in many hours and coordinated snow removal. Staff will be debriefing and looking at how they can better handle this type of event next time. He commended the team effort displayed by staff for the duration of the event.

Sandy Langdon had no comments.

Gloria Hirashima had no comments.

Grant Weed stated the need for a 15-minute executive session to discuss a personnel matter.

Mary Swenson thanked the employees for all they did during the snow and ice. She reviewed the event and noted that they will be debriefing to determine what they can do better next time. She commended the excellent job done by Public Works Director Kevin Nielsen during this event.

## **Call on Councilmembers**

Jeff Vaughan commended city employees for their hard work during the snow event.

Carmen Rasmussen commended the street crew and sanitation. There was discussion about how well sanitation handled the event. Kevin Nielsen added that people from other departments other than sanitation pitched in to help get the job done.

Donna Wright commended the staff for a job well done and wished everyone a Happy New Year.

Jon Nehring wished everyone a Happy New Year. He commended the city's handling of the roads during the storm event. He asked about disaster relief money that might be available. Staff indicated that it might be a possibility.

Lee Phillips wished everyone a Happy New Year. He expressed appreciation for all the hard work by staff during the snow event. He attended the library art show which was an excellent event.

John Soriano wished everyone a Happy New Year. He commended the work done by the street crews. He noted that the cost to recycle old monitors, TV's and computers is now passed on to the manufacturers. There was an article with more information on this in *The Herald* from last Saturday.

Jeff Seibert:

- He noted that according to MRSC the language for bidding contracts may not be up to date. Grant Weed indicated he would look into that.
- He asked for an update on the light at 27<sup>th</sup>. Kevin Nielsen noted that there is signage out there that explains what movement is allowed.
- He commended the work done by staff during the snow event. He noted, however, that there was an issue with the railroad. Director Nielsen indicated that he has a solution he will be bringing to Council.

## **Adjournment**

The Council went into recess from 8:45 p.m. until 8:50 p.m. at which time it reconvened into Executive Session to discuss one personnel item to review the performance of a public employee pursuant to RCW 42.30.110(1)(g).


**Executive Session**

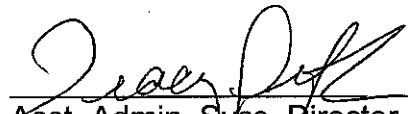
- A. Litigation
- B. Personnel - one item
- C. Real Estate

**Adjournment**

Seeing no further business, Mayor Kendall adjourned the meeting at 9:05 p.m.

Approved this 12 day of January, 2009.

  
Mayor  
Dennis Kendall

  
Asst. Admin. Svcs. Director  
Tracy Jeffries