

# COUNCIL



# MINUTES

## **Joint Marysville City Council and Planning Commission Work Session** *February 2, 2009*

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

Mayor Dennis Kendall called the February 2, 2009 work session of the Marysville City Council to order at 7:00 p.m. at Marysville City Hall and led those present in the Pledge of Allegiance.

### **Roll Call**

The following staff, Council members and Planning Commission 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
- Planning Commission:** Steve Muller, Steve Leifer, Jerry Andes, Deirdre Kvangnes
- Absent:** Planning Commissioners Becky Foster and Eric Emery
- Also Present:** Chief Administrative Officer Mary Swenson, Finance Director Sandy Langdon, City Attorney Grant Weed, Commander Robb Lamoureux, Community Development Director Gloria Hirashima, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Assistant Administrative Services Director, and Recording Secretary Laurie Hugdahl.

### **Presentations**

### **Discussion Items**

- A. Joint Discussion Regarding Impact Fees.

Planning Commission Chair Steve Muller informed the Council that the Planning Commission is in the process of developing recommendations for water and sewer rates; capital facilities fees; and proposed school district impact fees. He discussed how the economic condition has impacted those items.

There was significant discussion about capital facilities fees. Councilmember Seibert asked if the rate and fee comparison takes into account the rate study currently being done. Director Nielsen said that it does not. He reviewed how the General Facility Charge is calculated. Councilmember Seibert commented on the importance of having the fees paid up front. Director Nielsen concurred. It was noted that utility rates and fees are comparatively low right now, but would be adjusted when the annexation is done. Councilmember Seibert asked for information about the total amount of the fees before the discount is given. Director Nielsen reviewed these.

Commissioner Muller asked about the impetus changes in impact fees. Director Nielsen reviewed the process. There was discussion about decreased revenues and the impact on bond repayment.

Commissioner Leifer asked about legal restrictions on balancing the general facilities cost back to the monthly user fees. Director Nielsen explained that it must be equitable. He noted that there are formulas used to balance it all out. The upgrades needed to support growth have been made, but now they need the growth to pay for it. Commissioner Leifer asked about reducing the upfront cost and allowing developers to pay it over time. He felt it might be an enticement to developers due to the tight credit market. There was discussion about reducing fees or structuring them differently. Director Nielsen commented that discounts for commercial development have already been implemented. City Attorney Weed added that both the state law as well as case law gives cities some flexibility between how they spread the costs between monthly rates and capital facilities charges. There must be a reasonable relationship between the monthly rate and the actual cost of providing the service on the rate side. On the capital facilities fee there needs to be a capital facilities plan that supports the capital fees that are being charged.

CAO Swenson discussed earlier public opposition to proposed raises in commercial rates in Marysville. Commissioner Leifer reviewed a personal example. He noted that there is a fine line with many development projects that will allow a project to be done or not. Elimination of upfront costs could aid many projects. Commissioner Muller encouraged everyone to be creative in order to be more marketable.

Commissioner Kvangnes asked about the feasibility of deferment of some of the fees. Councilmember Seibert expressed concern about this. There would need to be some mechanism to protect the city in the event that the business goes out of business.

Director Hirashima added that they have had requests to look at the point of payment for capital improvement charges. Staff is discussing this currently. She noted that they changed the point of permit about three years ago from building permit issuance to final

plat approval and binding site plan. Some people have asked that this be changed back to building permit issuance. There was discussion about using a multi-family development property tax exemption in the downtown area. She discussed the possibility of doing a pilot project within the downtown master plan in order to be a catalyst for the downtown area. Director Nielsen commented that there is a discount for low impact development for storm water.

Commissioner Andes asked about collecting fees at the time of occupancy permitting. Director Hirashima indicated they could take a look at this.

CAO Swenson stated that they regularly look at ways to encourage commercial development. Staff meets regularly to discuss ways to help developers. She noted that the city's hands are tied by state code in many ways. Commissioner Muller encouraged the city to continue to make it known that they are willing to work with developers. Director Nielsen pointed out that one of the largest constraints for developers is storm water. Staff is considering direct discharge in the downtown region, which would be consistent with the 2005 DOE manual.

Councilmember Seibert asked how the cost of bond repayments is looking for the future. Director Nielsen explained that the cost is good, but the revenues are down. It was noted that the fee on the new bonds could be changed based on the current market cost. The costs for the old bonds will remain the same.

There was discussion about stormwater discharge, low impact development, and sewer treatment. Director Nielsen remarked on the benefits of the higher standards in Marysville, especially during major storm events. He indicated that they will continue to look for ways to keep the fees and rates down.

Commissioner Muller brought up the subject of impact fees for the school districts. There will be a hearing on this in March. He expressed frustration with the different formulas used by the different districts and the difficulty of comparing them. He noted that the Planning Commission will probably recommend a discount factor. Commissioner Muller felt that multi-family development should be promoted for downtown to support retail growth.

Councilmember Seibert thanked the Commission for their work on the Sunnyside/Whiskey Ridge Master Plan. Steve Muller thanked the Council and applauded the hard work of the Planning Commission. Commissioner Kvangnes thanked the City Council for their support. Donna Wright thanked the Planning Commission for their hard work.

### **Approval of Minutes**

1. Approval of January 20, 2009 City Council Work Session Minutes.
2. Approval of January 26, 2009 City Council Meeting Minutes.

## Consent

3. Approval of January 21, 2009 Claims in the Amount of \$2,530,288.94; Paid by Check No.'s 52868 through 53007 with no Check No.'s Voided.
4. Approval of January 28, 2009 Claims.

## Review Bids

5. Award Bid for the Berrywoods Paving Project to Fidalgo Paving and Construction, LLC in the Amount of \$249,153.88 Including Washington State Sales Tax and Approve a Management Reserve of \$10,000 for a Total Allocation of \$259,153.88.

Carmen Rasmussen requested a more useful map. Director Hirashima indicated they would provide one.

## Public Hearings

### New Business

6. Acceptance of the SR 528 (47<sup>th</sup> Avenue NE to 67<sup>th</sup> Avenue NE) Road Improvements Project to Start the 45-Day Lien Filing Period for Project Closeout.

Jon Nehring said he was pleased that the cost was 14.36% less than the original bid amount.

Councilmember Seibert had a question about the completeness of this project. Director Nielsen indicated he would check on that.

7. Acceptance of the SR 9 Demolition Project to Start the 45-Day Lien Filing Period for Project Closeout.

There were no questions or comments on this item.

8. Supplemental Agreement Number 2 with HDR Engineering at no Additional Cost Amending the Scope of Work and Extending the Time for Completion to June 30, 2009.

There were no questions or comments on this item.

9. An **Ordinance** of the City of Marysville, Washington Amending Portions of Ordinance 616 as Amended and Ordinance 1456-A Providing for Removal of Garbage Containers and Sporting Equipment from City Rights of Way and Amending Chapters 7.08 and 12.40 of the Marysville Municipal Code.

Councilmember Rasmussen commented that there is no provision for how far in advance you can put your cans out. She suggested allowing sports equipment as long as it is in active use. Director Nielsen commented that staff would be reasonable in enforcing this and pointed out that it is a response to citizens' complaints. City Attorney Weed discussed issues associated with the Insurance Authority with risks and lawsuits. Mary Swenson suggested sending this to WCIA and see what their recommendation is. There was consensus to get legal clarification on this.

10. An **Ordinance** of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking and Damaging of Land at 6709 44<sup>th</sup> Street NE for the Widening of the Roadway at the Corner of 67<sup>th</sup> Avenue NE and 44<sup>th</sup> Street NE.

Kevin Nielsen stated that the fire trucks are having a hard time making this corner. The City is in negotiation with the property owner at this time.

Councilmember Seibert asked if this would make the radius large enough that trucks would be allowed on this road. Director Nielsen said it would be just for fire trucks; trucks would still be prohibited.

## **Legal**

### **Mayor's Business**

Mayor Kendall took a distinguished visitor trip on the Lincoln this weekend. It was a great experience.

The school district and the city have signed papers on the Cedar Field old YMCA which now belongs to the city. A press release will be coming soon.

### **Staff Business**

Robb Lamoureux had no comments.

Sandy Langdon had no comments.

Jim Ballew:

- He distributed the updated Facilities Overview from the school district.
- February 28 will be Marysville Night at the Silvertips and residents will get a discount through the Silvertips.

Gloria Hirashima had no comments.

Kevin Nielsen had no comments.

Grant Weed:

- He stated that several bills are being reviewed and introduced that propose to amend the public records act. Most are beneficial to cities as far as reducing the burden of requests.
- He wants to update the council soon on the Open Public Meetings Act and the legislation regarding recording of executive sessions.
- He stated the need for an Executive Session to discuss four matters concerning the acquisition of real estate. He estimated that this would take 30 minutes and stated that there was potential action on one of the items.

Mary Swenson:

- They are closely watching the stimulus package. They attended a briefing with Congressman Larsen last Friday. She and Gloria Hirashima will be attending a meeting with Dick Thompson regarding the stimulus package next week.
- They are coordinating efforts with the Tulalips and have a scheduled a meeting with Bob Drewell of PSRC to meet with the Tulalips and Marysville.
- They are also watching all the legislation moving through Olympia right now.
- They are also working on getting meetings set up when we are in DC.

### **Call on Councilmembers**

Jon Nehring asked for confirmation that the sand was being picked up. Director Nielsen noted that both trucks have been repaired and are back to picking up sand.

Jeff Vaughan had no comments.

Carmen Rasmussen had no comments.

Donna asked if they had scheduled a meeting with legislators following the AWC legislative conference. Mayor Kendall replied that they did not.

Lee Phillips had no comments.

John Soriano reported on the Public Safety Committee meeting where the following topics were covered:

- Update on Proact team:
  - The detectives are very focused on closing cases.
  - The team is also partnering with the Tribes and compiling the comprehensive database to deal with graffiti.
  - They are also partnering with Snohomish County and the number of fugitive apprehensions are up.
- Update on Patrol:
  - Looking at the possibility of second SRO on patrol.
  - Motor unit will be replacing their bikes. Four new bikes will have a new color scheme.
  - Brief overview the NITE team activities and some of their statistics.

- There was a table top exercise on January 29, which involved several departments.
- The department has established a Professional Standards Unit (PSU) which is working to analyze the operations and see where they can apply measurables. They are also reviewing the department's accreditation.
- Custody Update:
  - They are not quite fully staffed. One person still deployed in Iraq.
  - In-service going on in February.
- Sergeant's Assessment Center will be conducting tests on April 15.

Jeff Seibert thanked the Parks staff for putting together the Silvertips events. He discussed recent snow events in London.

### Adjournment

Mayor Kendall recessed at 8:43 until 8:48 after which time they reconvened into Executive Session to discuss four items regarding the acquisition of real estate. There was potential action expected on one of the items.

### Executive Session

A. Litigation

B. Personnel

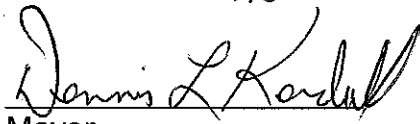
C. Real Estate – 4 items concerning the acquisition of real estate pursuant to RCW 42.30.110(1)(b); potential action on one of the items

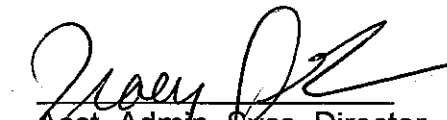
**Motion** made by Councilmember Seibert, seconded by Councilmember Nehring to authorize the Mayor to execute the CedarCrest Golf Course Lease as discussed in executive session. **Motion** passed unanimously (7-0).

### Adjournment

Seeing no further business Mayor Kendall adjourned the meeting at 9:17 p.m.

Approved this 23<sup>RD</sup> day of February, 2009.

  
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 Mayor  
 Dennis Kendall

  
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 Asst. Admin. Svcs. Director  
 Tracy Jeffries