

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Presentations	
Give Oath of Offices – Councilmembers Wright, Nehring, Vaughan and Seibert; Judge Fred Gillings	Given
Approval of Minutes	
Approval of November 4, 2009 City Council Budget Workshop Minutes.	Approved
Approval of November 9, 2009 City Council Meeting Minutes.	Approved
Consent Agenda	
Approval of November 11, 2009 Claims in the Amount of \$409,142.07; Paid by Check No.'s 59158 through 59269 with No Check No.'s Voided.	Approved
Approval of November 18, 2009 Claims in the Amount of \$502,926.86; Paid by Check No.'s 59270 through 59415 with Check No. 49060 Voided.	Approved
Approval of November 25, 2009 Claims in the Amount of \$425,715.04; Paid by Check No.'s 59416 through 59585 with Check No. 59089 Voided.	Approved
Approval of November 20, 2009 Payroll in the Amount of \$763,822.68; Paid by Check No.'s 22058 through 22106.	Approved
Authorize the Mayor to Extend the Plat of Palmer Place – Plat Extension (PA 04- 034).	Approved
Authorize the Mayor to Sign the Historic Preservation Agreement between Courtney C. Williams / Marysville Opera House and the City of Marysville.	Approved
Authorize the Mayor to Sign the Interlocal Agreement with Snohomish County for Emergency Management Services.	Approved
Authorize the Mayor to Sign the Buy / Sell Agreement with Habitat Bank, LLC in the Amount of \$100,800.00.	Approved
Authorize the Mayor to Sign the State Funding Agreement Supplement No. 1 with WSDOT for the 47th Avenue NE Improvements Project.	Approved
Acceptance of the 2009 Watermain Renewal and Replacement of the 47th Avenue Project Starting the 45-Day Lien Filing Period for Project Closeout	Approved
Authorize the Mayor to Sign the Interlocal Agreement with Snohomish County for Jail Services.	Approved
Authorize the Mayor to Sign the Professional Services Agreement between the City of Marysville and Calm River, Inc. for Annexation Census Services.	Approved
Approval of December 5, 2009 Payroll in the Amount of \$1,252,975.28; Paid by Check No.'s 22107 through 22156.	Approved
Approval of December 9, 2009 Claims in the Amount of \$1,065,010.28; Paid by Check No.'s 59693 through 59840 with No Check No.'s Voided.	Approved
Approval of December 2, 2009 Claims in the Amount of \$87,939.54; Paid by Check No.'s 59586 through 59692 with No Check No.'s Voided.	Continued
Authorize the Mayor to Sign the Visitor and Community Information Center Services Agreement with the Greater Marysville Tulalip Chamber of Commerce and the City of Marysville.	Approved
Settlement Agreement with Otak for the Jones Creek Project.	Approved
Review Bids	
Award Ingraham Boulevard Project to SRV Construction, Inc. in the Amount of \$2,775,249.96 Including Washington State Sales Tax and Approve a Management Reserve of \$138,762.50 for a Total Allocation of \$2,914,812.46.	Approved

Public Hearings	
Public Hearing to Consider a New Ordinance Chapter 3.103 of the Marysville Municipal Code Creating a Multifamily Housing Property Tax Exemption Code and Designating a Residential Targeted Area	Held
Public Hearing Regarding Planning Commission Recommendation for Zoning Code Amendment: Master Planned Senior Community Code	Held
New Business	
Adopt an Ordinance of the City of Marysville, Washington Authorizing an Interlocal Agreement between Snohomish County and the City of Marysville Relating to Completion of Roadway Improvements to the Intersection of 51st Avenue, N.E. and 100th Street, N.E. Pursuant to RCW 35.77.020.	Approved Ord. No. 2803
Adopt an Interlocal Agreement between Snohomish County and the City of Marysville Concerning the Completion of Improvements to the Intersection of 51st Avenue NE and 100th Street NE.	Approved
Adopt an Ordinance of the City of Marysville Amending Section 3.64.020(1), of the Marysville Municipal Code, Relating to the Utility Tax on Telephone Services.	Approved Ord. No. 2804
Adopt an Ordinance of the City of Marysville, Washington, Relating to School Impact Fees and Amending Sections 18C.10.010 of the Marysville Municipal Code.	Approved Ord. No. 2805
Adopt an Ordinance of the City of Marysville, Washington Relating to Development Fees and Amending Sections 15.12.010 and 18C.12.040 of the Marysville Municipal Code.	Approved Ord. No. 2806
Adopt an Ordinance of the City of Marysville, Washington, Establishing an Admission Tax; Providing for, and Levying, Providing for Necessary Administrative Procedures for the Collection and Enforcement of Such a Tax; Providing Penalties for Failure to Timely Pay the Tax; and Providing for the Effective Date of this Ordinance	Approved Ord. No. 2811
Adopt a Resolution Supporting the Application to Snohomish County for a Community Development Block Grant (CDBG).	Approved Res. No. 2275
Adopt a Resolution of the City of Marysville Establishing a Non-Discrimination Policy for City Parks and Recreation Facilities and Programs.	Approved Res. No. 2276
Adopt an Ordinance of the City of Marysville, Washington Enacting a New Chapter 3.103 Marysville Municipal Code Entitled Multifamily Housing Property Tax Exemption.	Approved Ord. No. 2801
Adopt an Ordinance of the City of Marysville, Washington Establishing Development Regulations for Master Planned Senior Communities, Amending MMC 19.08.030 to Add Master Planned Senior Communities to the Table of Residential Land Uses, and Adopting a New Chapter 19.47 of the Marysville Municipal Code.	Approved Ord. No. 2802
Adopt an Ordinance of the City of Marysville, Washington Amending the 2009 Budget and Providing for the Adjustment of Certain Expenditure Items as Budgeted for in 2009 and Amending Ordinance No. 2751, Amending Ordinance No. 2761, Amending Ordinance No. 2764 and Amending Ordinance No. 2777.	Approved Ord. No. 2807
Adopt an Ordinance of the City of Marysville, Washington Adopting an Update to the City's Surface Water Comprehensive Plan	Approved Ord. No. 2808
Adopt an Ordinance of the City of Marysville, Washington Amending Marysville Municipal Code Section 19.14.095 Related to Small Lot Single Family Development Standards.	Approved Ord. No. 2809

Adopt an Ordinance of the City of Marysville, Washington Amending Marysville Code Section 19.14.080 Related to Temporary Uses-Permitted Uses.	Approved Ord. No. 2810
Approve a Lease Agreement for Mother Nature's Window with Todd and Shellie Freeman.	Approved
Approve an Employment Agreement for Golf Course Shop Supervisor with Michael Davis.	Approved
Legal	
Mayor's Business	
Staff Business	
Call on Councilmembers	
Adjournment	9:17 p.m.
Executive Session	9:20 p.m.
Authorize the Mayor to sign the Boys and Girls Club Lease Agreement as discussed in Executive Session.	Approved
Authorize the Mayor to sign the Williams Residential Rental Agreement as discussed in Executive Session.	Approved
Adjournment	9:53 p.m.

COUNCIL



MINUTES

Regular Meeting
December 14, 2009

Call to Order / Pledge of Allegiance

Mayor Kendall called the December 14, 2009 meeting of the Marysville City Council to order at 7:01 p.m. at Marysville City Hall. The invocation was given by Pastor Troy VanHorn from Venture Church. Mayor Kendall led those present in the Pledge of Allegiance.

Roll Call

Chief Administrator Mary Swenson gave the roll call. The following staff and councilmembers were in attendance.

Mayor: Dennis Kendall

Council: Councilmember Jon Nehring, Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano, Councilmember Jeff Vaughan and Councilmember Donna Wright, Councilmember Lee Phillips

Also Present: Chief Administrator Mary Swenson, Community Development Director Gloria Hirashima, Finance Director Sandy Langdon, Public Works Director Kevin Nielsen, City Attorney Grant Weed, Parks and Recreation Director Jim Ballew, Police Chief Rick Smith, Community Information Officer Doug Buell, and City Clerk Tracy Jeffries

Committee Reports - none

Presentations

A. Oath of Offices.

Grant Weed swore in Councilmember Wright and Councilmember Nehring.

Mayor Kendall swore in Councilmember Vaughan and Councilmember Seibert.

Mayor Kendall recessed the meeting at 7:10 p.m. for a short break and called the meeting back to order at 7:22 p.m.

Mayor Kendall swore in Judge Fred L. Gillings

Audience Participation - none

Approval of Minutes

1. Approval of November 4, 2009 City Council Budget Workshop Minutes.

Motion made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve the November 4, 2009 minutes as presented. **Motion** passed unanimously (7-0).

2. Approval of November 9, 2009 City Council Meeting Minutes.

Motion made by Councilmember Vaughan, seconded by Councilmember Wright, to approve the November 9, 2009 minutes as presented. **Motion** passed unanimously (7-0).

3. Approval of November 16, 2009 City Council Meeting Minutes.

Motion made by Councilmember Soriano, seconded by Councilmember Rasmussen, to approve the November 16, 2009 minutes as presented. **Motion** passed unanimously (7-0).

Consent

Councilmember Phillips request that item #14 be pulled from the Consent Agenda. Councilmember Seibert asked to remove items #7 and 35.

4. Approval of November 11, 2009 Claims in the Amount of \$409,142.07; Paid by Check No.'s 59158 through 59269 with No Check No.'s Voided.
5. Approval of November 18, 2009 Claims in the Amount of \$502,926.86; Paid by Check No.'s 59270 through 59415 with Check No. 49060 Voided.
6. Approval of November 25, 2009 Claims in the Amount of \$425,715.04; Paid by Check No.'s 59416 through 59585 with Check No. 59089 Voided.
8. Approval of November 20, 2009 Payroll in the Amount of \$763,822.68; Paid by Check No.'s 22058 through 22106.
12. Authorize the Mayor to Extend the Plat of Palmer Place – Plat Extension (PA 04-034).

13. Authorize the Mayor to Sign the Historic Preservation Agreement between Courtney C. Williams / Marysville Opera House and the City of Marysville.
15. Authorize the Mayor to Sign the Interlocal Agreement with Snohomish County for Emergency Management Services.
16. Authorize the Mayor to Sign the Buy / Sell Agreement with Habitat Bank, LLC in the Amount of \$100,800.00.
17. Authorize the Mayor to Sign the State Funding Agreement Supplement No. 1 with WSDOT for the 47th Avenue NE Improvements Project.
18. Acceptance of the 2009 Watermain Renewal and Replacement of the 47th Avenue Project Starting the 45-Day Lien Filing Period for Project Closeout.
20. Authorize the Mayor to Sign the Interlocal Agreement with Snohomish County for Jail Services.
21. Authorize the Mayor to Sign the Professional Services Agreement between the City of Marysville and Calm River, Inc. for Annexation Census Services.
34. Approval of December 5, 2009 Payroll in the Amount of \$1,252,975.28; Paid by Check No.'s 22107 through 22156.
37. Approval of December 9, 2009 Claims in the Amount of \$1,065,010.28; Paid by Check No.'s 59693 through 59840 with No Check No.'s Voided.

Motion made by Councilmember Rasmussen, seconded by Councilmember Soriano to approve Consent Agenda items 4, 5, 6, 8, 12, 13, 15, 16, 17, 18, 20, 21, 34, and 37.
Motion passed unanimously (7-0).

7. Approval of December 2, 2009 Claims in the Amount of \$87,939.54; Paid by Check No.'s 59586 through 59692 with No Check No.'s Voided.

Councilmember Seibert stated item #7 was not included in the packet. Sandy Langdon suggested it be removed and put on the next agenda.

14. Authorize the Mayor to Sign the Visitor and Community Information Center Services Agreement with the Greater Marysville Tulalip Chamber of Commerce and the City of Marysville.

Councilmember Phillips spoke against funding this at this time.

Councilmember Seibert asked if it has been conveyed to the Chamber that they would be requested to apply for the Hotel/Motel grant. CAO Swenson said that they are aware of that.

Motion made by Councilmember Wright, seconded by Councilmember Seibert, to authorize the Mayor to Sign the Visitor and Community Information Center Services Agreement with the Greater Marysville Tulalip Chamber of Commerce and the City of Marysville. **Motion** passed (6-1) with Councilmember Phillips voting against.

35. Settlement Agreement with Otak for the Jones Creek Project.

Councilmember Seibert commended the Public Works Director Nielsen being on top of this matter. Councilmember Nehring concurred.

Motion made by Councilmember Seibert, seconded by Councilmember Nehring, to authorize the Mayor to Sign the Settlement Agreement with Otak for the Jones Creek Project. **Motion** passed unanimously (7-0).

Review Bids

9. Award Ingraham Boulevard Project to SRV Construction, Inc. in the Amount of \$2,775,249.96 Including Washington State Sales Tax and Approve a Management Reserve of \$138,762.50 for a Total Allocation of \$2,914,812.46.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to authorize the Mayor to Award Ingraham Boulevard Project to SRV Construction, Inc. in the Amount of \$2,775,249.96 Including Washington State Sales Tax and Approve a Management Reserve of \$138,762.50 for a Total Allocation of \$2,914,812.46. **Motion** passed unanimously (7-0).

Public Hearings

10. Public Hearing to Consider a New Ordinance Chapter 3.103 of the Marysville Municipal Code Creating a Multifamily Housing Property Tax Exemption Code and Designating a Residential Targeted Area (*refer to item 27*).

Staff Report: Director Hirashima explained that this provision would apply to the Downtown Master Plan area and would create provisions that would benefit developers who are building, rehabilitating, or converting multifamily housing in the downtown area. It would provide for either an 8 or a 12-year property tax exemption. The state legislature authorized this in 2007. It is intended to be an incentive to revitalize areas that the city chooses. In this case the staff is recommending that the targeted area be the Downtown Master Plan area.

Mayor Kendall opened the hearing at 7:37 p.m. and solicited public comments on item #10. Seeing no comments, the hearing was closed at 7:38 p.m.

11. Public Hearing Regarding Planning Commission Recommendation for Zoning Code Amendment: Master Planned Senior Community Code (*refer to item 28*).

Staff Report: Gloria Hirashima stated that the Council has a copy of the proposed ordinance and the background materials. There was a change made which addressed the covenant issue for the overall development based on the Council's discussion at the last work session.

Mayor Kendall opened the public hearing at 7:40 p.m.

Public Comment:

Larry Gardner, 6002 68th Dr NE Marysville, WA 98270, spoke in support of the proposal to add master plan senior communities to the table of residential land uses and adopting a new chapter 19.47 of the Marysville Municipal Code. He pointed out that there is a growing population of seniors which could benefit from this. He commended the Community Development, Planning Commission and City Council for having the foresight to develop and move a document like this through the city process.

Seeing no further comments the hearing was closed at 7:42.

Councilmember Seibert thanked Gloria Hirashima and Grant Weed for adding the covenant duration language.

Councilmember Soriano referred to page 28-79, item 9G, which has a reference to the MMC Development Standards. He asked if there was something built into the Development Standards that addresses the ability of aid vehicles to ingress and egress out of this type of development. Director Hirashima stated that they have driveway standards that provide for minimum widths on driveways. This would provide adequate width for aid vehicles.

New Business

- 19A. An **Ordinance** of the City of Marysville, Washington Authorizing an Interlocal Agreement between Snohomish County and the City of Marysville Relating to Completion of Roadway Improvements to the Intersection of 51st Avenue, N.E. and 100th Street, N.E. Pursuant to RCW 35.77.020.
- 19B. Interlocal Agreement between Snohomish County and the City of Marysville Concerning the Completion of Improvements to the Intersection of 51st Avenue NE and 100th Street NE.

Motion made by Councilmember Nehring, seconded by Councilmember Seibert, to approve Ordinance No. 2803. **Motion** passed unanimously (7-0).

22. An **Ordinance** of the City of Marysville Amending Sections 3.64.020(1), 3.64.030, and 3.64.040 of the Marysville Municipal Code, Relating to the Utility Tax on Telephone Services, Sale of Gases, and Sale of Electricity.

Councilmember Seibert commented that he did not see any sunset provision in this. He also noted that there were councilmembers who were not in favor of including gas and electricity. He noted that he would not be supporting this.

Councilmember Rasmussen stated that she would only consider support of this if they were to strike the taxation on natural gas and electrical energy.

CAO Swenson commented that if Council wanted to amend this they could.

There was discussion about how to accomplish not including the gas and electrical tax increase. Councilmember Seibert requested that they consider adding in a term-length for this. Grant Weed proposed that they could add a section that would expire one year after it goes into effect.

Councilmember Phillips asked if their intent was to utilize this funding for some of the road projects that otherwise would not have been done. CAO Swenson said it would go to street maintenance and stated that there are no road projects.

Grant Weed asked staff if it would be acceptable to bring this ordinance back to Council with the changes that are being discussed. Finance Director Langdon said that any effective increase on this has a 60-day notification period.

Councilmember Vaughan asked for more information about the telephone tax increase. CAO Swenson replied that it was estimated to generate \$120,000. Councilmember Vaughan asked how they would track how this money is used. Finance Director Langdon explained that there would be something in the budget that shows that money was applied for road maintenance.

Councilmember Nehring said he was more likely to vote for an admissions tax because it is more of a user tax.

Grant Weed reviewed proposed changes if the intent was to have this effective for only one year and only to tax the telephone utility:

- The second line of the title would delete reference to sections 3.64.030 and 3.64.040.
- In the third line delete: *the sale of gases.*
- In the fourth line delete: *and sale of electricity*

- Amend the third WHEREAS to read: *WHEREAS the City wishes to increase the tax upon the privilege of conducting telephone business to 6%.*
- Sections 2 and 3 would be deleted in their entirety. A new section 2 would replace section 4 which would say: *This Ordinance shall take effect March 1, 2010 and shall automatically expire and be repealed February 28, 2011.*

Motion made by Councilmember Wright, seconded by Councilmember Rasmussen, to approve Ordinance No. 2804, "An Ordinance of the City of Marysville Amending Sections 3.64.020(1) Relating to the Utility Tax on Telephone Services," as amended and stated by Grant Weed. Upon a roll call vote the **Motion** passed (4-3) with Councilmembers Wright, Soriano, Phillips, and Rasmussen voting in favor of the motion and Councilmembers Seibert, Nehring and Vaughan voting against the motion.

23A. An Ordinance of the City of Marysville, Washington, Relating to School Impact Fees and Amending Sections 18C.10.010 of the Marysville Municipal Code.

Director Hirashima stated that the first Ordinance would deal with the discount factor which is currently .25. The recommendation is to revise to .5 which would conform to Snohomish County and surrounding jurisdictions. Mayor Kendall referred to a letter from the Lake Stevens School District in the Council's packet.

Public Comment:

Rob Stanton, Director of Operations, Lake Stevens School District, 12309 22nd Street NE, Lake Stevens, indicated he was present to answer any questions.

Council Comments and Questions:

Councilmember Wright asked what the changes would compare to Snohomish County's fees. Director Hirashima referred to page 23A-3 which shows a comparison of each school district with the City's fees and Snohomish County's fees currently. If the Ordinance was revised we would be consistent with Snohomish County's fees.

Councilmember Seibert commented he had hoped over the years that the County and Lake Stevens would follow the City. He was disappointed that this has not happened. He stated that he would not be able to support this. He expressed some concern that the other school districts had not expressed support for this. There was discussion about the other school districts' comments that they "did not oppose" it, but they did not go so far as to say they supported it. Director Hirashima added that the other districts were concerned that the City might change the factors within the formula because that would complicate their whole CFP adoption process. CAO Swenson stated that this is consistent with the discussion that she and the Mayor had with Dr. Nyland. She discussed that conversation further.

Motion made by Councilmember Rasmussen, seconded by Councilmember Nehring, to approve Ordinance No. 2805. **Motion** passed (6-1) with Councilmember Seibert voting against the motion.

23B. An **Ordinance** of the City of Marysville, Washington Relating to Development Fees and Amending Sections 15.12.010 and 18C.12.040 of the Marysville Municipal Code.

Director Hirashima stated that we have had a provision on the books since 1998 that stipulates that the City's cost of administering the impact fee program shall be paid by the applicant to the City as part of the development application fee. That fee would be set forth in our development fees section and be an amount that approximates as nearly as possible the actual administrative costs of administering the school impact fee program. This Ordinance would change the citation to the development fee chapter in 18C.12.040. She reviewed the recommended fees. Councilmember Seibert pointed out that this would be an additional fee that the developer would pay. Director Hirashima agreed that was accurate. Councilmember Rasmussen recommended deferring requiring this fee at least for this year due to the poor economy. She stated she would not be able to support this. Councilmember Phillips asked Mr. Stanton if they paid an administrative fee to the County or to the City of Lake Stevens. Mr. Stanton replied that they do not. He was not aware of the developer paying fees in either one of those locations now.

Mike Pattison from Master Builders stated that the only city he is aware of that charges an administrative fee is Bothell.

Councilmember Seibert spoke in support of this. Since it costs the City to administer it we should be reimbursed for it.

Motion made by Councilmember Seibert, seconded by Councilmember Soriano, to approve Ordinance No. 2806. Upon a roll call vote, the **Motion** passed (5-2) with Councilmembers Wright and Rasmussen voting against the motion.

24. An **Ordinance** of the City of Marysville, Washington, Establishing an Admission Tax; Providing for, and Levying, Providing for Necessary Administrative Procedures for the Collection and Enforcement of Such a Tax; Providing Penalties for Failure to Timely Pay the Tax; and Providing for the Effective Date of this Ordinance.

CAO Swenson commented that the Marysville Tulalip Chamber of Commerce Board of Directors have passed a resolution in support of admissions tax.

Councilmember Phillips referred to 3.86.050, Section E. He asked if nonprofits currently have to register with the city through the Finance Director's office. Director Langdon replied that they do not unless it is required elsewhere. Councilmember Phillips

recommended leniency in this since most nonprofits are staffed by volunteers and may not be aware of this. CAO Swenson stated that they would also do some outreach. Councilmember Phillips then referred to A4. He brought up a concern about how this could impact smaller businesses that have a one or two-time event where they do not require admission, but they do have food and beverages for sale. There was a recommendation to change this to events where there is no admission charge, but there is a charge required for food and refreshment.

Councilmember Vaughan asked why the nonprofits need to register. Grant Weed replied that it provides some way for the City to verify the authenticity of the organization's nonprofit status. Councilmember Wright recommended that there be some threshold for this. Finance Director Langdon noted that they could verify nonprofits on the IRS site instead of having them register. Grant Weed noted that the Washington State Secretary of State's site also has a site where you can determine if they are an active for profit or not-for-profit corporation.

Councilmember Soriano referred to item 3.86.075, the 4th line down, should be *event*.

Councilmember Phillips asked if there was a way to get this information out to businesses. CAO Swenson said they could do a direct mailing to them.

Motion made by Councilmember Wright, seconded by Councilmember Soriano, to approve Ordinance No. 2811. **Motion** passed (5-2) with Councilmembers Seibert and Rasmussen voting against the motion.

25. A **Resolution** Supporting the Application to Snohomish County for a Community Development Block Grant (CDBG).

Mayor Kendall stated that this is for the 10th and Cedar sidewalk improvements.

Motion made by Councilmember Wright, seconded by Councilmember Seibert, to approve Resolution No. 2275. **Motion** passed unanimously (7-0).

26. A **Resolution** of the City of Marysville Establishing a Non-Discrimination Policy for City Parks and Recreation Facilities and Programs.

Motion made by Councilmember Rasmussen, seconded by Councilmember Nehring, to approve Resolution No. 2276. **Motion** passed unanimously (7-0).

27. An **Ordinance** of the City of Marysville, Washington Enacting a New Chapter 3.103 Marysville Municipal Code Entitled Multifamily Housing Property Tax Exemption.

Motion made by Councilmember Wright, seconded by Councilmember Nehring, to approve Ordinance No. 2801. **Motion** passed unanimously (7-0).

28. An **Ordinance** of the City of Marysville, Washington Establishing Development Regulations for Master Planned Senior Communities, Amending MMC 19.08.030 to Add Master Planned Senior Communities to the Table of Residential Land Uses, and Adopting a New Chapter 19.47 of the Marysville Municipal Code.

Motion made by Councilmember Soriano, seconded by Councilmember Rasmussen, to approve Ordinance No. 2802. **Motion** passed unanimously (7-0).

29. An **Ordinance** of the City of Marysville, Washington Amending the 2009 Budget and Providing for the Adjustment of Certain Expenditure Items as Budgeted for in 2009 and Amending Ordinance No. 2751, Amending Ordinance No. 2761, Amending Ordinance No. 2764 and Amending Ordinance No. 2777.

Motion made by Councilmember Nehring, seconded by Councilmember Wright, to approve Ordinance No. 2807. **Motion** passed unanimously (7-0).

30. An **Ordinance** of the City of Marysville, Washington Adopting an Update to the City's Surface Water Comprehensive Plan.

Motion made by Councilmember Nehring, seconded by Councilmember Soriano, to approve Ordinance No. 2808. **Motion** passed unanimously (7-0).

31. An **Ordinance** of the City of Marysville, Washington Amending Marysville Municipal Code Section 19.14.095 Related to Small Lot Single Family Development Standards.

Motion made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve Ordinance No. 2809. **Motion** passed unanimously (7-0).

32. An **Ordinance** of the City of Marysville, Washington Amending Marysville Code Section 19.14.080 Related to Temporary Uses-Permitted Uses.

Director Hirashima stated that this is the provision that would allow for temporary real estate offices within plats until December 31, 2011.

Motion made by Councilmember Wright, seconded by Councilmember Soriano, to approve Ordinance No. 2810. **Motion** passed unanimously (7-0).

33. Lease Agreement for Mother Nature's Window with Todd and Shellie Freeman.

Jim Ballew reviewed elements of the lease agreement. Grant Weed stated that they were hoping to get Council's approval of the lease tonight, but not have the Mayor execute it until the property comes into the ownership of the City of

Marysville. This is expected to be on Wednesday when the County Council approves transfer of the properties subject to the annexation being final.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to authorize the Mayor to sign the Lease Agreement for Mother Nature's Window with Todd and Shellie Freeman. **Motion** passed unanimously (7-0).

36. Employment Agreement for Golf Course Shop Supervisor with Michael Davis.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to authorize the Mayor to sign the Employment Agreement for Golf Course Shop Supervisor with Michael Davis. **Motion** passed unanimously (7-0).

Mayor Kendall recessed the meeting at 8:32 p.m. for a short break and called the meeting back to order at 8:37 p.m.

Mayor's Business

- They are still having some discussions with the County about property changeover and some other items.
- Dedication for the new Park and Ride will be tomorrow morning at 10:00 a.m. The park and ride is very nice and working well.
- Everything is moving forward with Operation Community Christmas.
- Next Saturday at the Food Bank is the dedication of Lillie's bench at 10:00 a.m.

Staff Business

Jim Ballew:

- The Activity Guide is out. He commended his staff and Doug Buell for all their hard work on this.
- The Snohomish Health District has submitted their grant to the CDC. They are asking for 16 people.
- Happy Holidays to the Council and staff.

Rick Smith wished everyone Merry Christmas and Happy Holidays.

Kevin Nielsen:

- The roads were a little icy over the weekend. Staff put down sand, anti-icing, and de-icing agents.
- 27th seems to be working extremely well. He commended John Tatum for making this happen.
- Some meters blew out over the weekend from the frost so crews were working on that.

Doug Buell:

- Stated that he was also up at Lakewood Crossing over the weekend and was very impressed with the traffic flow.
- He wished everyone Happy Holidays.
- Congratulations to the Councilmembers who agreed to four more years.

Gloria Hirashima:

- She wished everyone Happy Holidays.
- She noted that the next time we meet we will be a much larger city.
- The census work will be starting immediately.
- Staff is starting to collect contacts for neighborhood associations and homeowners associations in the annexation area so they can be proactive with outreach.

Sandy Langdon:

- She presented updated information on foreclosures.
- She congratulated Denise Gritton because the 2008 Financial Report, which Denise did most of the work on, received the award from Government Finance Officers Association.
- The Employee Appreciation Holiday Party is tomorrow at 1:30 at the Senior Center.
- She congratulated the Councilmembers who were sworn in for another four years.

Grant Weed stated the need for an executive session expected to last 20 minutes to discuss four items – two concerning real estate matters on which action will be requested, one concerning potential litigation, and one concerning union and labor negotiation matters.

Mary Swenson:

- There is a lot of behind the scenes work going on with this annexation. The police have been diligently reviewing the areas, changing beat configurations, and working with Sno-Pac. Kevin Nielsen has been out in the area looking at the needs from a public works standpoint. Jim Ballew has been busy looking at the parks. Gloria has been busy working on the census. Sandy Langdon is busy working out the financial side of this. It's very exciting that our population will be at 57,000 and that Council was able to fulfill the vision that they had six years ago.
- She wished everyone a very Merry Christmas.

Call on Councilmembers

Carmen Rasmussen stated that Marysville Kids Matter group is beginning a campaign in the community. She recommended that the Council show support for the Marysville

Kids Matter Initiative. There was general consensus to draft a resolution regarding this and to see a short presentation from the group at an upcoming meeting.

Lee Phillips wished everyone Merry Christmas and Happy New Year.

John Soriano had no comments.

Jon Nehring:

- Agreed that the transportation up at Lakewood Crossing was fantastic over the holidays. He recommended highlighting the improvements up there in an article in order to encourage people to return to that area.
- He wished everyone Merry Christmas and Happy New Year. He thanked everyone for a great 2009.

Jeff Vaughan:

- Asked about ways they could become familiar with the new annexation area. He recommended taking a day together to look around the area. Ms. Swenson thought they could do that in conjunction with the retreat.
- He expressed appreciation on the six years he has been on Council. He wished everyone Happy Holidays.

Donna Wright:

- Commended Public Works for getting the ice off the streets on Sunday.
- She wished everyone a Merry Christmas and Happy New Year.

Jeff Seibert:

- Also thanked Public Works for the work on the streets with the ice. He discussed one slippery hill he encountered.
- He notified Gloria Hirashima that he was still interested in participating in electrical code review.
- He congratulated all the councilmembers who got sworn in tonight.
- He wished everyone Merry Christmas and Happy New Year.

Recess

Mayor Kendall recessed the meeting at 9:17 p.m. for a short break before reconvening into Executive Session expected to last 20 minutes to discuss four items - two real estate matters with action, one potential litigation matter, and one collective bargaining matter.

Executive Session

Executive session started at 9:20 p.m.

A. Litigation – one item pursuant to RCW 42.30.110(1)(i), one item pursuant to RCW 42.30.140(4)(a)

B. Personnel

C. Real Estate – two items pursuant to RCW 42.30.110(1)(b)

Motion made to extend the Executive Session ten minutes. **Motion** passed unanimously (7-0).

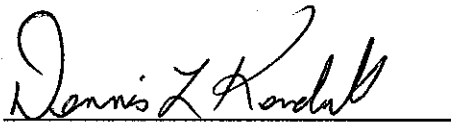
Motion made by Councilmember Phillips, seconded by Councilmember Nehring, to authorize the Mayor to sign the Williams Residential Rental Agreement as discussed in Executive Session. **Motion** passed unanimously (7-0).

Motion made by Councilmember Phillips, seconded by Councilmember Seibert, to authorize the Mayor to sign the Boys and Girls Club Lease Agreement as discussed in Executive Session. **Motion** passed unanimously (7-0).

Adjournment

Seeing no further business, Mayor Kendall adjourned the meeting at 9:53 p.m.

Approved this 25TH day of January, 2010.



Mayor
Dennis Kendall



Asst. Admin. Svcs. Director
Tracy Jeffries