

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
Excuse absence of Councilmember Rasmussen.	Approved
<b>Presentations</b>	
Community Transit Presentation	Presented
Proclamation – Volunteer Appreciation Month	Presented
Proclamation – Arbor Day	Presented
<b>Approval of Minutes</b>	
Approval of March 21, 2011 City Council Retreat Minutes.	Approved
Approval of March 28, 2011 City Council Meeting Minutes	Approved
Excuse absence of Councilmember Phillips at March 28 meeting.	Approved
<b>Consent Agenda</b>	
Approval of March 30, 2011 Claims in the Amount of \$423,703.90; Paid by Check Number's 69180 through 69310.	Approved
Approval of April 6, 2011 Claims in the Amount of \$1,449,975.14 Paid by Check Number's 69311 through 69488.	Approved
Approval of April 5, 2011 Payroll in the Amount of \$1,361,429.32; Paid by Check Number's 24098 through 24143.	Approved
Authorize the Mayor to Sign the Renewal of Department of Justice Sublease Increasing the Annual Lease to \$14,758.56 and Extending the Lease Period to September 30, 2011.	Approved
Authorize the Mid-Year Budget Adjustment for the Rollover of 2010 I-Net Funds for the Expansion of the City's Fiber Network.	Approved
Authorize the Mayor to Sign the Mutual Agreement Regarding Application of Refund - Costco Wholesale Corporation	Removed from Consent Agenda/Continued
<b>New Business</b>	
Adopt a Resolution of the City of Marysville, Washington, Authorizing Termination and Relinquishment of a City-Owned Easement on Private Property.	Approved Res. No. 2301
Adopt an Ordinance of the City of Marysville Amending Marysville Municipal Code Chapter 5.60 Entitled "Itinerant Merchants" Relating to Peddlers, Solicitors, and Transient Merchants; Providing for Severability; and Effective Date.	Approved Ord. No. 2856
<b>Mayor's Business</b>	
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	7:52
<b>Executive Session</b>	8:10
<b>Litigation – 4 pending litigation items</b>	
<b>Personnel</b>	
<b>Real Estate – 2 real estate items</b>	
<b>Adjournment</b>	8:45

# COUNCIL



# MINUTES

**Regular Meeting**  
April 11, 2011

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

Mayor Nehring called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance. The invocation was given by Dennis Niva of 92<sup>nd</sup> Street Church of Christ.

## **Roll Call**

Chief Administrative Officer Hirashima gave the roll call. The following staff and councilmembers were in attendance.

**Mayor:** Jon Nehring

**Council:** Lee Phillips, Jeff Seibert, John Soriano, Michael Stevens, Jeff Vaughan, and Donna Wright

**Absent:** Carmen Rasmussen

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Police Chief Rick Smith, Recording Secretary Laurie Hugdahl.

**Motion** made by Councilmember Phillips, seconded by Councilmember Seibert, to excuse the absence of Councilmember Rasmussen. **Motion** passed unanimously 6-0.

**Committee Reports - None**

## **Presentations**

A. Community Transit Presentation

Todd Morrow, Chief of Strategic Communications, Community Transit, thanked Mayor Nehring for his leadership on the Community Transit Board. He gave a PowerPoint presentation on Community Transit's current activity in the community, key facts about Community Transit, long-range transit planning, and the effect of the economy on Community Transit's budget.

He discussed necessary upcoming service cuts effective 2012. Outreach will be conducted throughout the spring and summer with a public hearing in early July. He reviewed material explaining how they are currently funded and how they need a reliable source of funding. Being so dependent on sales tax makes them very vulnerable.

Questions/Comments: None

Mayor Nehring thanked Mr. Morrow for the presentation.

B. Proclamation - Volunteer Appreciation

Mayor Nehring read a Proclamation of the City of Marysville in Support of April as Volunteer Month in Marysville.

C. Proclamation - Arbor Day

Mayor Nehring read a Proclamation of the City of Marysville in support of April 29, 2011 as Arbor Day.

**Audience Participation**

Casey Crenshaw, 8700 67th Avenue NE, Apartment I-103, Marysville, WA 98270, asked the members of the Council to voluntarily reduce their monthly stipend by 10% because they have chosen to not have one of their four monthly meetings.

**Approval of Minutes**

1. Approval of March 21, 2011 City Council Retreat Minutes

**Motion** made by Councilmember Stevens, seconded by Councilmember Vaughan, to approve the March 21, 2011 City Council Retreat Minutes. **Motion** passed unanimously (6-0).

2. Approval of March 28, 2011 City Council Meeting Minutes

Councilmember Vaughan referred to page 2 of 6 under Audience Participation and noted that the corrected spelling of the citizen who spoke should be *Kenoyer*.

Councilmember Phillips stated that he would be abstaining as he was not present at the meeting.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the March 28, 2011 City Council Meeting Minutes as amended. **Motion** passed unanimously (5-0) with Councilmember Phillips abstaining.

**Motion** made by Councilmember Soriano, seconded by Councilmember Stevens, to excuse the absence of Councilmember Phillips at the March 28, 2011 Meeting. Motion passed unanimously (5-0) with Councilmember Phillips abstaining.

### **Consent Agenda**

Mayor Nehring removed Item 8 - *Authorize the Mayor to Sign the Mutual Agreement Regarding Application of Refund - Costco Wholesale Corporation* and noted that it will be brought back in two weeks.

3. Approval of March 30, 2011 Claims in the Amount of \$423,703.90; Paid by Check Number's 69180 through 69310.
4. Approval of April 6, 2011 Claims in the Amount of \$1,449,975.14 Paid by Check Number's 69311 through 69488.
5. Approval of April 5, 2011 Payroll in the Amount of \$1,361,429.32; Paid by Check Number's 24098 through 24143.
6. Authorize the Mayor to Sign the Renewal of Department of Justice Sublease Increasing the Annual Lease to \$14,758.56 and Extending the Lease Period to September 30, 2011.
7. Authorize the Mid-Year Budget Adjustment for the Rollover of 2010 I-Net Funds for the Expansion of the City's Fiber Network.

**Motion** made by councilmember Vaughan, seconded by Councilmember Soriano, to approve Consent Agenda items 3, 4, 5, 6, and 7. **Motion** passed unanimously (6-0).

### **Review Bids**

### **Public Hearings**

### **New Business**

9. A Resolution of the City of Marysville, Washington, Authorizing Termination and Relinquishment of a City-Owned Easement on Private Property.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the **Resolution No. 2301 Motion** passed unanimously (6-0).

10. An Ordinance of the City of Marysville Amending Marysville Municipal Code Chapter 5.60 Entitled "Itinerant Merchants" Relating to Peddlers, Solicitors, and Transient Merchants; Providing for Severability; and Effective Date.

Grant Weed added that the purpose of this ordinance is to update our outdated code and also to present to the Council certain judgment calls on some areas within the ordinance. He reviewed changes staff made to the ordinance since the last meeting.

- Page 5, section 5.60.080 - Street Vendors (E) - Language added regarding music for mobile carts or vehicles
- Page 5, section 5.60.080 - Alternative language deleted
- Page 5, section 5.60.090 - Penalties and Violations - Retained criminal penalty

Councilmember Vaughan asked for clarification about MMC 6.76 which is referred to in the Audio section. Grant Weed reviewed these. Councilmember Vaughan noted that the whole point of the ice cream truck's music was to be heard from a distance. He was not sure how this code could be applied in this case. City Attorney Weed asked Chief Smith if there have been any noise code complaints or citations issued for ice cream trucks. Chief Smith noted that there have not been any citations of ice cream trucks for noise violations. City Attorney Weed suggested that they could exempt ice cream trucks and any other folks that play music while they travel through the streets from this ordinance. They could simply rely on the hours of operation for street vendors and other vendors that are in the code. Councilmember Vaughan commented that he just wanted to make sure they were allowed to continue as they have for years. City Attorney Weed did not think that the code would change the way they could operate.

Councilmember Vaughan asked about the penalties. City Attorney Weed noted that currently it is a misdemeanor that carries with it \$500 or six months in jail. The penalties would be essentially the same as they were in the past.

**Motion** made by Councilmember Soriano, seconded by Councilmember Stevens, to approve **Ordinance No. 2856**. **Motion** passed unanimously (6-0).

### **Mayor's Business**

Mayor Nehring:

- He attended the ribbon cutting for SeaMar last week. This is a great addition to the City.
- He gave a brief update on the Highway 9 Coalition's meeting last Thursday.
- There will be a ribbon cutting for Marysville Care Center on Grove Street this Thursday at 3:15.
- The Police Awards Banquet will be held this Friday.

### **Staff Business**

Jim Ballew:

- 350 people attended the spring craft fair at the Senior Center last weekend.
- Next week Parks and Recreation will begin their Comprehensive Plan survey. 500 surveys will go out in the mail. They will also survey Marysville University and other service clubs. They are hoping for results in late June.

- WSDOT is bringing in some barges tomorrow to work on the 529 existing abutment. The City will be closing the waterfront park temporarily to accommodate moorage of the barges.
- He referred to the Arbor Day Proclamation and added that Marysville has received the Tree City USA designation. On April 29 there will be a tree planting in partnership with Public Works and Parks.
- Approximately 30 volunteers from the US Navy will be here on Friday for a project in Jennings Park.

Chief Smith:

- The Police Awards Ceremony will be held on Friday from 6 to 10 p.m.
- There was a sink hole issue on 67th south of 57th.

Kevin Nielsen:

- He discussed the culvert that collapsed on 67<sup>th</sup>.
- The City is hopefully getting close to going out to bid for 156<sup>th</sup> Street. Mayor Nehring thanked Public Works and Grant for getting this going.

Sandy Langdon had no comments.

Worth Norton had no comments.

Grant Weed stated the need for an Executive Session for 20 minutes with no action to discuss four pending litigation items and two real estate items.

Gloria Hirashima reported that Wal-Mart is moving forward. Their civil plan has been approved and they have submitted for building permits.

### **Call on Councilmembers**

Lee Phillips:

- He thanked Council for the excused absence.
- Regarding what Mr. Crenshaw brought up, he thought that the Salary Commission would have to determine that. Grant Weed confirmed that the Councilmembers do not have the power to either raise or lower their salary. The Salary Commission meets annually and determines the salary of the Commission; their decision is final.

John Soriano had no comments.

Michael Stevens also attended the ribbon cutting for the SeaMar Clinic. This is a beautiful facility. He commended Community Development for the positive comments he heard about them from the SeaMar staff.

Jeff Vaughan had no comments.

Donna Wright echoed comments about the SeaMar facility.

Jeff Seibert:

- He thanked Code Enforcement Officer Paul Rochon for painting over graffiti on utility boxes in his neighborhood.
- He brought up interest in formation of an Economic Development committee for light industrial area. Councilmember Soriano has already expressed interest in serving on this committee. He solicited names of any other council members who are interested.

Mayor Nehring recessed the meeting at 7:51 for five minutes, after which time it was reconvened to Executive Session for 20 minutes to discuss four pending litigation items and two real estate items with no action taken.

### Executive Session

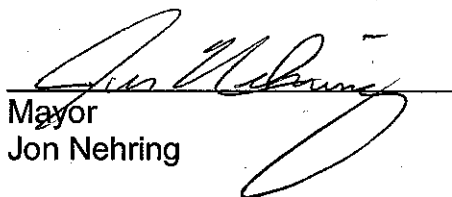
- A. Litigation – 4 Pending Litigation Items pursuant to RCW 42.30.110 (1)(i)
- B. Personnel
- C. Real Estate – 2 Real Estate Items pursuant to RCW 42.30.110 (1)(c)

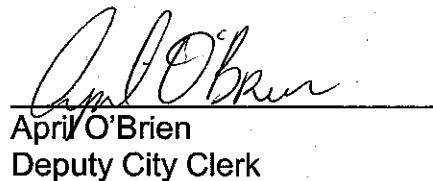
**Motion** made by Councilmember Seibert to extend the Executive Session for 20 minutes. **Motion** seconded by Councilmember Stevens. **Motion** passed unanimously (6-0).

### Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:45 p.m.

Approved this 25<sup>th</sup> day of April, 2011.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk