

December 9, 2002

## Marysville City Council

7:00 p.m.

621000

Public Safety Center

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
<b>Approval of Minutes</b>	
November 23, 2002 minutes	Approved
November 25, 2002 minutes	Approved
December 2, 2002 minutes	Approved
<b>Consent Agenda</b>	
Approval of December 9, 2002 Claims in the Amount of \$703,273.42; Paid by Check Nos. 70685 through 70953 with Check Nos. 70326, 70686, and 52430 Void.	Approved
Approval of November, 2002 Payroll in the Amount of \$1,145,982.44; Paid by Check No. 44392 through 44561 with Check No. 44561 Cancelled.	Approved
Approval of Liquor License Renewals for Circle K #8878; Pearl Garden; and Jackpot Foodmart #160.	Approved
Approval of Professional Services Agreement for Consulting & Inspection Services; Wetherholt & Associates.	Approved
Approval of Professional Services Agreement for Hearing Examiner Services; McConnell & Associates, Inc.	Approved
Approval of Professional Services Agreement for Plan Review Services; Pacific Rim Code Services.	Approved
Approval of City Attorney Retainer Agreement for the Calendar Year 2003; Keithly, Weed, Graafstra and Benson, Inc., P.S.	Approved
<b>Review Bids</b>	
Ballenger Property Improvement Project	Bid Awarded to Chandler Construction
<b>New Business</b>	
Caretaker Agreement for Jennings Memorial and Nature Parks – Victoria Poe & Frank Postma	Approved
2002 Local Law Enforcement Block Grant (LLEBG).	Approved
Amendment to Yakima County Jail Agreement	Approved
Amendment to M.M.C. 11.62.010 Relating to the Definition of "Truck for Purposes of Establishing Truck Routes.	Approved
Harbor Winds Rezone/Preliminary Plat; PA 0009038.	Approved
Architectural Services for City Facilities; Dykeman Architects.	Approved
WSDOT General Contract Authorization for Ballenger Property	Continued
<b>Legal</b>	
Recovery Contract for Sewer; City of Marysville.	Approved
<b>Ordinances and Resolutions</b>	
An Ordinance of the City of Marysville, Washington, Amending Marysville Municipal Code Section 11.62.010 Relating to the Definition of "Truck" for Purposes of Establishing Truck Routes.	Approved Ord. No. 2458
An Ordinance of the City of Marysville, Washington Affirming the Decision of	Approved

December 9, 2002

Marysville City Council 000180  
7:00 p.m.

Public Safety Center

the Hearing Examiner and Rezoning Property Owned by David Ross and Amending the Official Zoning Map of the City.	Ord. No. 2459
An Ordinance of the City of Marysville Amending the 2002 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in 2002.	Approved Ord. No. 2460
An Ordinance of the City of Marysville Amending Ordinance No. 2454, Section 1 and Section 2, Relating to Levying Taxes upon All Property Real, Personal, and Utility Subject to Taxation within the Corporate Limits to the City of Marysville, Washington for the Year 2003.	Approved Ord. No. 2461
<b>Mayor's Business</b>	
LEOFF I Disability Board Appointment of Councilmember John Soriano.	Approved
<b>Staff Business</b>	
Supplemental Agreement No. 3 to the Contract with Terra Tech/KCM in the amount of \$52,900.	Approved
<b>Executive Session</b>	
Three personnel, one potential litigation. 8:42 p.m. – 10:55 p.m.	
<b>Regular Session</b>	
An Ordinance of the City of Marysville, Washington, Annexing Certain Real Property Known as the Twin Lakes Annexation Area to Said City Pursuant to the Election Method Prescribed in RCW 35A14.010 Et Seq. and establishing the Effective Date of the Annexation.	Approved Ord. No. 2462
An Ordinance of the City of Marysville Amending the 2003 Budget to Incorporate the Adopted Pay Schedule for Directors, Management and Non-Represented Employees Pursuant to MMC 2.50.030.	Approved Ord. No. 2463
A Resolution of the City of Marysville Adopting Salary Ranges and a Performance Based Pay Structure for Directors.	Approved Res. No. 2085
<b>Adjournment</b>	11:01 p.m.

December 9, 2002                      Marysville City Council Meeting                      Public Safety Center  
7:00 p.m.

*Call to Order/Pledge of Allegiance*

Mayor Weiser called the December 9 meeting of the Marysville City Council to order at 7 p.m. and led the assembly in the Pledge of Allegiance.

*Invocation*

Mayor Weiser noted that the Chaplain had been called away due to an emergency and there would be no invocation tonight.

*Roll Call*

Mary Swenson, Chief Administrative Officer, called the roll:

**Council:** Mayor David Weiser, Mayor Pro Tem Mike Leighan, Suzanne Smith, John Soriano, Jon Nehring, Jeff Seibert, Donna Wright, and Lisa Vares.

**Staff:** Police Chief Bob Carden; Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; and Jim Owens, Public Works Director.

*Committee Reports*

Mayor Weiser asked if there were any committee reports at this time. Councilmember Jon Nehring reported that the MERC Committee met on Wednesday morning to briefly review the Gardner Johnson report. He noted that there was some spirited discussion on that and some other things. Mr. Nehring discussed some apprehension from some members of the business community regarding the city's intentions. They established some ground rules for moving forward with the city and discussed MERC being heavily involved with planning in 2003. He also added that Mary Swenson would be chairing the meetings from now on.

Ms. Swenson commented that she had the opportunity to speak with some of the MERC members who weren't able to attend the meeting. They generally seemed re-enthused. She spoke of a joint meeting with Council, the Planning Commission and the MERC Committee that will probably be held in January.

*Presentations*

Mayor Weiser presented Police Chief Carden with his Five-Year Pin. Mayor Weiser congratulated him and thanked him for his service to the city. The assembly applauded.

*Audience Participation*

Mayor Weiser asked if there was anyone in the audience who wished to participate. There being no one, he moved on to Approval of Minutes.

*Approval of Minutes***A. November 23, 2002 City Council Workshop.**

Councilmember Jeff Seibert referred to the last sentence in the 5<sup>th</sup> paragraph on Page 3. He clarified that Councilmember Suzanne Smith was the one who asked about starting the re-zoning process.

**Motion** by Councilmember Nehring, second by Councilmember Soriano to approve the November 23 City Council Workshop minutes as corrected. **Motion** passed unanimously (7-0).

**B. November 25, 2002 City Council Meeting**

**Motion** by Councilmember Smith, second by Councilmember Leighan to approve the November 25 City Council Meeting minutes as presented. **Motion** passed unanimously (7-0).

**C. December 2, 2002 City Council Work Session**

Councilmember Vares noted a correction to the last page under Call on Councilmembers, Ms. Vares clarified that it was for "permit process streamlining" and the date for the Bothell meeting date should be December 10.

**Motion** by Councilmember Wright, second by Councilmember Smith to approve the December 2 City Council Work Session minutes as corrected. **Motion** passed unanimously (7-0).

*Consent Agenda*

Mayor Weiser asked if there was anyone in the audience who wished any of the items be removed from the Consent Agenda for further questioning. Seeing no one from the audience, the same question was asked of Councilmembers.

Councilmember Nehring requested that Item G be removed.

**A. Approval of December 9, 2002 Claims in the Amount of \$703,273.42; Paid by Check Nos. 70685 through 70953 with Check Nos. 70326, 70686, and 52430 Void.**

- B. Approval of November, 2002 Payroll in the Amount of \$1,145,982.44; Paid by Check No. 44392 through 44561 with Check No. 44561 Cancelled.**
- C. Approval of Liquor License Renewals for Circle K #8878; Pearl Garden; and Jackpot Foodmart #160.**
- D. Approval of Professional Services Agreement for Consulting & Inspection Services; Wetherholt & Associates.**
- E. Approval of Professional Services Agreement for Hearing Examiner Services; McConnell & Associates, Inc.**
- F. Approval of Professional Services Agreement for Plan Review Services; Pacific Rim Code Services.**

**Motion** by Councilmember Smith, second by Councilmember Soriano to approve Consent Agenda Items A-F. **Motion** approved 6-1 with Councilmember Leighan voting against.

- G. Approval of City Attorney Retainer Agreement for the Calendar Year 2003; Keithly, Weed, Graafstra and Benson, Inc., P.S.**

Discussion regarding Consent Agenda Item G:

Councilmember Nehring asked when the last time was that the rates were adjusted. City Attorney Grant Weed replied that it has been 3 or 4 years. Mr. Nehring noted that the rates were increasing by about 21% and asked if it would be possible in the future to adjust this yearly, and therefore gradually, as opposed to doing it in such a large chunk. Mr. Weed agreed that it would be better to do it annually, but that it had not been done that way. Ms. Swenson echoed that was something they had discussed at the budget workshop.

**Motion** by Councilmember Soriano, second by Councilmember Wright to approve Consent Agenda Item G. **Motion** approved 5-2 with Leighan and Vares voting against.

*Review Bids*

**A. Ballenger Property Improvement Project.**

Public Works Director Jim Owens, explained that they have received the information that WSDOT requested from the contractor. The information has been forwarded to them, but the City has not received the official signed agreement from WSDOT. They have received an e-mail that indicates their agreement on how much money they will pay. Mr. Owens urged Council to make the award so construction on the driveway could begin.

Staff had no further questions. There were no public comments.

**Motion** by Councilmember Nehring, second by Councilmember Smith to award the Ballenger Property Improvement Project to Chandler Construction. **Motion** approved 6-1 with Councilmember Leighan voting against.

*New Business*

**A. Caretaker Agreement for Jennings Memorial and Nature Parks.**

There were no questions for staff. Mayor Weiser then asked if anyone in the audience wished to comment. There was no public comment.

**Motion** by Councilmember Nehring, second by Councilmember Leighan to approve the Caretaker Agreement for Jennings Memorial and Nature Parks. **Motion** passed unanimously (7-0).

**B. 2002 Local Law Enforcement Block Grant (LLEBG).**

Chief Carden informed Council that the match was not in the budget and they might need to come back to Council to ask for additional funds in the future. Mr. Soriano asked about the use of the grant money, especially the money that would be used for power converters. He asked if they would be used directly for law enforcement. Chief Carden said they would because they would be on the response van.

Mayor Weiser asked if there was any audience comment. There was none.

**Motion** by Councilmember Soriano, second by Councilmember Vares to approve 2002 Local Law Enforcement Block Grant. **Motion** passed unanimously (7-0).

**C. Amendment to Yakima County Jail Agreement.**

Councilmember Smith asked if this was anticipated in the budget. Ms. Swenson indicated that it was.

**Motion** by Councilmember Wright, second by Councilmember Seibert to approve the Amendment to the Yakima County Jail Agreement. **Motion** passed unanimously (7-0).

**D. Amendment to M.M.C. 11.62.010 Relating to the Definition of "Truck" for Purposes of Establishing Truck Routes.**

There were no comments or questions from the public or the Council.

**Motion** by Councilmember Nehring, second by Councilmember Seibert to approve the Amendment to M.M.C. 11.62.010 Relating to the Definition of "Truck" for Purposes of Establishing Truck Routes. **Motion** passed unanimously (7-0).

**E. Harbor Winds Rezone/Preliminary Plat; PA 0009038.**

Gloria Hirashima, Community Development Director, responded to a question asked by Councilmember Seibert at the last work session regarding the change in the language requiring approval prior to the final site plan approval as opposed to preliminary plat approval. Councilmember Seibert thanked Gloria for her clarification.

Councilmember Nehring asked about "voluntary development mitigation for affordable homes". Ms. Hirashima explained that this described some additional units that would be added which met the criteria for providing affordable housing.

Ms. Vares noted that the Hearing Examiner has already made a decision regarding this. She asked about Council's role in addressing this issue. Mr. Weed indicated that Council could adopt the Ordinance and affirm the decision of the Hearing Examiner, which is the staff recommendation or if the Council finds some part of the project that does not meet with the City code requirements to remand it to the Hearing Examiner for further findings or to deny the application.

Ms. Vares asked what specifically it was that Council was being asked to approve. Ms. Hirashima explained that it was the rezone to the planned residential density 4.5 zone which allows for the 20% density bonus.

Councilmember Smith asked if any of it has been built yet. Ms. Hirashima replied that it hasn't because they are currently in the process of obtaining preliminary plat approval.

Councilmember Nehring asked about Section K which states that this project would benefit the "public use and interest". He asked how the public interest was served by this change other than adding more houses. Ms. Hirashima noted that this project was in line with the city's comprehensive land use plans. Mr. Nehring noted that while that may be the case, it was not necessarily in line with the Citizens' Survey. He did not feel that adding more housing served the public use and interest in this instance.

Councilmember Soriano asked about the proposed mitigation on the buffer reduction that would be an enhanced degraded buffer area. Ms. Hirashima said that they would be planting a natural vegetation mixture which is adjacent to a very large open space. The combined effect will improve that area.

Mayor Weiser asked if there were any further questions of staff. There being none he solicited audience participation.

Audience Participation

**Thomas Berry, Project Land Surveyor, 307 North Olympic Avenue, Suite 205, Arlington, WA.**

Mr. Berry asked Council to approve this project on behalf of the applicant. He briefly described some of the merits of the plan and their two years of planning. He then asked that Council adopt the findings of the Hearing Examiner.

Mr. Leighan commented that he feels that most of the development in the city has been good for the community, but that this is not one of those cases. This particular development is one he is having trouble with, but he will approve it.

**Motion** by Councilmember Leighan, second by Councilmember Wright to approve the Hearing Examiner's recommendation to approve the Harbor Winds Rezone/Preliminary Plat; PA 0009038 utilizing density bonuses. **Motion** approved 4-3 with Councilmembers Smith, Nehring and Vares voting against.

**F. Architectural Services for City Facilities; Dykeman Architects.**

Councilmember Vares commented that this is a very expensive proposal when there is no actual paint, walls, or nails. She feels that \$27,000 for a plan on how to arrange furniture is too expensive.

Councilmember Nehring asked about Phase 2, Additional Services Subtotal, and if that would be coming back to Council. Ms. Swenson said it would be coming back to Council as they went along. Mr. Nehring asked about things that could be done internally. Ms. Swenson indicated that those would also be determined as they went along. If walls need to be removed it would require architectural services. Discussions with the firm were clear that the city wanted to keep the costs down which is why the contract is written as loosely as it is. Mr. Nehring asked if there might be another way that might be less expensive. Ms. Swenson indicated that some work that Dykeman has already done is the allocation of the workspace for different employees. As far as the furniture, there are companies that will come in and do that planning, but the city would still have to pay for that to be worked out.

Councilmember Smith thought that a company bringing in furniture and walls would need to redesign it anyway. She said she thought the standardization of workspace was done in the previous work that they did. She then asked if preparing the necessary drawings and specifications required for permitting, bidding, and construction of the project could be done in-house. Ms. Swenson explained that what was being done was looking at the building and deciding which walls can be safely removed. The plan is addressing the safety, adding a restroom and a holding cell for the Court. The downstairs section of the Allstate building will need some walls removed and will



need an architect to do it. Ms. Smith asked for more clarification of what this contract would do for the city. Ms. Swenson said that the Space Planning Study did not look at the building itself and decide where people should be located, especially with regard to individual offices. The different zones for the HVAC will also need to be looked at when individual offices are added or walls are added or removed. She added that there are two maintenance employees who are working on the Public Works Building and a variety of other projects. It would take a very long time to get the project completed if the maintenance employees were mainly responsible, but they would do everything possible to keep the costs down on this project.

Councilmember Donna Wright asked about the costs of "mechanical and electrical consulting" of Phase 1 & 2 Work. Ms. Swenson said it would depend on what the plans are and what will be done with the building. Ms. Wright also asked about the "Additional Services". Ms. Swenson said they were listed separately based on recommendation from the city because the city does not feel that they are all necessary services. She added they are not included with Phase 1.

Councilmember Soriano asked about Item E which indicates they will be identifying different elements. He inquired as to whether or not Dykeman would be studying the flows and how that affects the layout for the HVAC system. Ms. Swenson said they would be looking at that. Bill Spies, Fleet and Facilities Manager, clarified that the upstairs area where there were sixty cubicles is currently one zone. If any additional walls are put up there they will need to review the HVAC system to ensure that the flow of air is adequate. He noted that Dykeman has spent a lot of time listening to the needs of the workers and the different departments to determine the best way to place employees.

Councilmember Vares mentioned her frustration that when this building was purchased staff assured Council that the building was ready to go and not needing to be refurbished or remodeled. She mentioned that she felt this was an opportunity to hold staff accountable to what they told Council when they purchased the building.

Councilmember Smith indicated that she also had been under that impression, except for needing a holding area. She echoed Ms. Vares' comments that she also is frustrated that there is so much more than she thought that needs to be done.

Ms. Smith asked if staff was still anticipating the Court going upstairs. Ms. Swenson noted that would need to be determined later. There were some benefits to having it downstairs as far as the flow of traffic. It would mainly depend on the number of offices that needed to go upstairs. This in turn would determine the HVAC requirements. Ms. Smith asked about using all cubicles for the upstairs offices. Ms. Swenson said that due to the confidential nature of their work there are several employees who need private offices. Currently there are only two offices in the upstairs offices. Ms. Smith asked if the downstairs room was adequate for the Council Chambers/Courtroom. Ms. Swenson indicated that it is, but that it is cut-up and will need to be opened up in order to make a bigger area for the court clerks. The main

architecture work will be in the downstairs area to determine which walls, if any need to come down and how to make the reception area workable for more than one employee.

Councilmember Seibert commented that his opinion was to be very clear with Dykeman that we want to do the minimum amount of work to the building. He asked about the number of offices to be added upstairs. Ms. Swenson wasn't sure about the exact number, but said it was the minimum number necessary. She also stated that they had already had that conversation with Dykeman which is why the contract was written the way it was. He asked for a ballpark figure of the number of offices needed. It was tentatively determined that about four new offices would need to be added. Mr. Seibert stated that the demountable wall system would possibly be a lot cheaper. He noted that there was a good possibility that some of the downstairs HVAC parts might be able to be moved to the upstairs area, but that would not be determined until the study was done.

Councilmember Leighan inquired about as-builts included with this building. Mr. Spies said that there was at least one good set of plans. Mr. Leighan indicated that Councilmember Vares' comment was accurate and that he was not pleased with having to pay for remodeling when he felt he had been assured that remodeling would not be needed. He added that he would be voting against this.

Mayor Weiser asked if there was anyone in the audience who cared to address the Council. There was no one.

**Motion** by Councilmember Smith, second by Councilmember Soriano to approve the Architectural Services for City Facilities, Phase 1; Dykeman Architects. **Motion** approved 4-3 with Leighan, Nehring and Vares voting against.

#### **G. WSDOT General Contract Authorization for Ballenger Property.**

This item was postponed pending the receipt of the signed agreement from WSDOT.

#### **H. 2002 Budget Amendments.**

There were no questions of staff and no public comments.

Councilmember Seibert asked about the unscheduled capital purchases. He asked if it was listed in the budget or if it was something that was already bought on which payments were being made. Ms. Swenson and Mr. Spies explained that this referred to expenses due to replacement of equipment involved in accidents or upgraded. Councilmember Leighan commented that the budgeted amount was zero. He asked why this wasn't budgeted. Ms. Hirashima stated that there was one scheduled replacement and one budgeted replacement. Mr. Leighan asked about the Parks Department upgraded van and questioned the necessity.

There were no further questions or comments.

### **I. Proposed Admissions Tax.**

Ms. Swenson commented that it had appeared from previous discussions at the work session that there was not sufficient Council support with this item so it had not been researched further.

There was no public comment. Council took no action on the proposed admission tax.

### *Legal*

#### **A. Recovery Contract for Sewer; City of Marysville.**

Ms. Hirashima explained that she had researched the discrepancy of \$33.22 referred to by Councilmember Seibert. She determined that this discrepancy was due to differences in rounding amounts (2-digits as opposed to 3-digits). Ms. Hirashima also commented on the striping on 51<sup>st</sup> Avenue. She noted that the overlay was a scheduled overlay that had been budgeted, but had been postponed. Mayor Weiser asked Councilmember Seibert if the parking situation had improved. Mr. Seibert said he hadn't noticed as he had been out of town, but he felt that people would get the idea. Mr. Seibert asked about recalculating the difference and preventing larger discrepancies in the future. Finance Director Sandy Langdon and Ms. Hirashima assured him they would look further into the issue. Mr. Seibert thanked Ms. Hirashima for researching both issues.

Mayor Weiser asked if there were any further questions on the Recovery Contract. City Attorney, Grant Weed, pointed out that there was an error on the 5<sup>th</sup> Paragraph of the Recovery Contract. It should be corrected to read "per square foot" not "per lineal foot".

**Motion** by Councilmember Leighan, second by Councilmember Vares to approve the Recovery Contract for Sewer No. 249. **Motion** passed unanimously (7-0).

### *Ordinances and Resolutions*

#### **A. An Ordinance of the City of Marysville, Washington, Amending Marysville Municipal Code Section 11.62.010 Relating to the Definition of "Truck" for Purposes of Establishing Truck Routes.**

There was discussion about the specifics of this term and it was noted that it would not apply to recreational vehicles. Councilmember Leighan wondered if it should include the words "more than two drive axles" not "more than two axles". Mr. Spies said that the term axles are more frequently used in this context.

**Motion** by Councilmember Nehring, second by Councilmember Seibert to approve Ordinance No. 2458, Amending Marysville Municipal Code Section 11.62.010 Relating to the Definition of "Truck" for Purposes of Establishing Truck Routes. **Motion** passed unanimously (7-0).

**B. An Ordinance of the City of Marysville, Washington Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by David Ross and Amending the Official Zoning Map of the City.**

**Motion** by Councilmember Leighan, second by Councilmember Wright to adopt Ordinance No. 2459 Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by David Ross and Amending the Official Zoning Map of the City. **Motion** approved 4-3 with Councilmembers Smith, Nehring and Vares voting against.

**C. An Ordinance of the City of Marysville Amending the 2002 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in 2002.**

**Motion** by Councilmember Wright, second by Councilmember Soriano to approve Ordinance No. 2460 Amending the 2002 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in 2002. **Motion** approved 5-2 with Councilmembers Vares and Nehring voting against.

**D. An Ordinance of the City of Marysville, Washington, Imposing an Admissions Tax in the City; and Adding a New Chapter 3.86 to the Marysville Municipal Code.**

There was no action taken on this item.

**E. An Ordinance of the City of Marysville Amending Ordinance No. 2454, Section 1 and Section 2, Relating to Levying Taxes upon All Property Real, Personal, and Utility Subject to Taxation within the Corporate Limits to the City of Marysville, Washington for the Year 2003.**

**Motion** by Councilmember Vares, second by Councilmember Nehring to pass Ordinance No. 2461 Amending Ordinance No. 2454, Section 1 and Section 2, Relating to Levying Taxes upon All Property Real, Personal, and Utility Subject to Taxation within the Corporate Limits to the City of Marysville, Washington for the Year 2003. **Motion** approved 6-1 with Councilmember Leighan voting against.

**F. An Ordinance of the City of Marysville, Washington, Annexing Certain Real Property Known as the Twin Lakes Annexation Area to Said City Pursuant to the Election Method Prescribed in RCW 35A14.010 Et Seq. and establishing the Effective Date of the Annexation.**

This item was to be discussed after the Executive Session.

**G. An Ordinance of the City of Marysville Amending the 2003 Budget to Incorporate the Adopted Pay Schedule for Directors, Management and Non-Represented Employees Pursuant to MMC 2.50.030.**

**Motion** by Councilmember Soriano, second by Councilmember Leighan to adopt Ordinance No. 2462 Amending the 2003 Budget to Incorporate the Adopted Pay Schedule for Directors, Management and Non-Represented Employees Pursuant to MMC 2.50.030.

Councilmember Vares asked for an Executive Session to discuss this item and the next item. Mayor Weiser agreed to discuss these during the Executive Session.

**H. A Resolution of the City of Marysville Adopting Salary Ranges and a Performance Based Pay Structure for Directors.**

This item was to be discussed in the Executive Session.

*Information Items*

**A. Mayor's Business.**

1. LEOFF I Disability Board Appointment.

Mayor Weiser announced that Councilmember Soriano has agreed to serve another term on the LEOFF I Disability Board.

**Motion** by Councilmember Seibert, second by Councilmember Leighan to appoint Councilmember Soriano to the LEOFF I Disability Board. **Motion** passed unanimously (7-0).

2. Library Board Appointment.

The Mayor indicated he does not yet have an appointment for this board, but he is working on it.

## B. Staff Business.

**Chief Carden** announced that there would be a memorial ceremony at 7 p.m. on Tuesday night, December 10, at the Ken Baxter Senior Center honoring Police Dispatcher Linda Russell who recently passed away.

**Sandy Langdon** wished everyone Happy Holidays and a Happy New Year.

**Mary Swenson** thanked the Parks Department for a job well done at Merrysville for the Holidays. She said it was a great event with good weather and that she really enjoyed it. She also noted that the Lunch Bunch employee program was scheduled for Tuesday, December 10 from 11 a.m. - 1 p.m. at Jennings Park Barn.

**Grant Weed** wished everyone Happy Holidays and congratulated this group of Council on one year of working together. He noted it has been a pleasure working with everyone.

**Gloria Hirashima** wished everyone Happy Holidays.

**Jim Owens** discussed the approval of the Change Order to the Bio-Solids Removal Contract which was approved on November 25 by Council. He noted that as a result of that contract there would now be a need to look at an extension to the Tetra Tech Contract for the inspection services for that Change Order. The original bid for the extension was almost \$90,000 from Tetra Tech. Mr. Owens felt that was excessive and worked to reduce the price to \$52,900 as a result of re-negotiation of the contract and the sampling being taken by the city. The consultant will be overseeing the optimization of the polymer additive and supervising the installation of the third centrifuge. Their main work will be the actual testing.

Councilmember Seibert asked for a rough idea of how much money this would be saving the city over doing it two years from now. Mr. Owens said the savings of the mobilization (moving out and then moving in again) is the major savings. He noted that if we get this done the city would delay the moving of any additional solids for up to ten years. Mr. Seibert thanked Mr. Owens.

**Motion** by Councilmember Nehring, second by Councilmember Seibert to approve Supplemental Agreement No.3 to the Contract with Terra Tech/KCM in the amount of \$52,900. **Motion** passed unanimously (7-0).

Mr. Owens thanked the Council for addressing this matter. He wished everyone a safe and happy holiday season.

## C. Call on Councilmembers.

**Mike Leighan** thanked the Parks Department for their efforts with Merrysville for the Holidays. He commented that he had been down there in the daylight and was

impressed with how spotless and sharp it looked. He also noted that he had seen construction beginning on Ash Avenue and that it was good to see a project moving ahead. He wished everyone Happy Holidays.

**Suzanne Smith** asked about an attachment she received that was addressed to the Snohomish County Council members regarding a rezone. Ms. Hirashima informed her that she would let her know the outcome. Ms. Smith then went on to explain that she had been contacted by a constituent who was concerned about an advertisement for a restaurant (Chadwick's) on the Public Access Channel 29. Ms. Swenson said she would check on that. Ms. Smith also wished everyone a Merry Christmas.

**John Soriano** wished everyone a Merry Christmas.

**Jon Nehring** asked if the Finance Committee or the Facilities Committee would be meeting in December. Ms. Swenson said that the Finance Committee was up to Council, but it is on the schedule. Facilities will be waiting until January. Mr. Nehring wished everyone a Merry Christmas and a Happy New Year.

**Jeff Seibert** stated that he had concerns about information he received regarding the public hearing for the Planning Commission for the County with regard to the docket proposal. Ms. Hirashima noted that they had recommended postponing any rezone actions prior to actually having either City or County adopt a Sub-Area Plan. Her understanding was that the Planning Commission recommended denial of it so it was not recommended to go forward to the Council. She also stated that she spoke with the property owner who was pleased with the City's position on that matter and felt that it had helped their neighborhood. Mr. Seibert thanked Ms. Hirashima for getting the information out on this. He also thanked Chief Carden for five years of service. Councilmember Seibert wished everyone Happy Holidays and thanked the staff and all the city employees for the last year of work and service.

**Donna Wright** discussed her visit to the National League of Cities in Salt Lake City and the many programs that were discussed. She displayed brochures and described various programs such as traffic light programs, porch light programs and beautification programs. She informed those present that there would be an open house in Everett this Friday, December 13, to learn more about traffic light issues. She concluded by wishing everyone a Merry Christmas.

**Lisa Vares** thanked Councilmembers for the opportunity to serve with them and for graciously welcoming her onto the Council. She added that she was looking forward to serving during the next year.

### *Adjournment*

Mayor Weiser adjourned the Council into Executive Session at 8:40 p.m. He explained that there were three personnel and one potential litigation matter. He added that the Council would be voting on three items when they come out.

***Executive Session***

Council reconvened into regular session at 10:55 p.m. It was noted that Councilmember Vares had left the meeting at 10:45 p.m.

**Motion** by Councilmember Wright, second by Councilmember Nehring to approve Ordinance No. 2462 of the City of Marysville, Washington, annexing certain real property known as the Twin Lakes Annexation Area to said City pursuant to the Election Method prescribed in RCW 35A14.010 Et Seq. and establishing the effective date of the annexation. **Motion** approved unanimously (6-0).

**Motion** by Councilmember Leighan, second by Councilmember Soriano to approve Ordinance No. 2463 of the City of Marysville amending the 2003 budget to incorporate the adopted pay schedule for directors, management, and non-represented employees pursuant to MMC 2.50.030. Motion carried 4-2 with Councilmembers Smith and Seibert against.

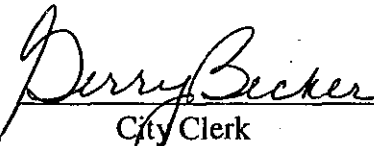
**Motion** by Councilmember Wright, second by Councilmember Leighan to approve Resolution No. 2085 of the City of Marysville adopting salary ranges and a performance based pay structure for directors. Motion carried 5-1 with Councilmember Smith against.

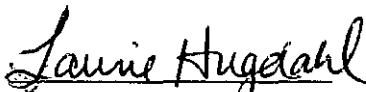
***Adjournment***

Mayor Weiser adjourned the December 9, 2002 City Council meeting at 11:01 p.m.

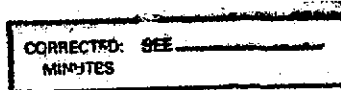
Approved this 13<sup>th</sup> day of January 2003.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Recording Secretary





ORIGINAL

December 2, 2002

Marysville City Council Work Session

7:00 p.m.

Public Safety Center

000169

*Call to Order/ Pledge of Allegiance*

Mayor Weiser called the December 2, 2002 Work Session of the City Council to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

*Invocation*

There was no invocation.

*Roll Call*

Mary Swenson called the roll:

**Council:** Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers Jeff Seibert, Donna Wright, Suzanne Smith, John Soriano, Lisa Vares, and Jon Nehring.

**Staff:** Jim Ballew, Parks and Recreation Director; Gloria Hirashima, Community Development Director; Ralph Krusey, Police Commander; Sandy Langdon, Finance Director; Jim Owens, Public Works Director; Bill Spies, Fleet and Facilities Manager; Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; and Greg Young, Grants Administrator.

Mayor Weiser announced there would be an Executive Session after the Work Session to discuss two personnel issues.

*Committee Reports*

Mayor Weiser asked if there were any committee reports. There were none.

*Discussion Items*

**A. Proposed Admissions Tax.**

City Attorney Grant Weed presented a draft of an ordinance imposing an admissions tax. He reviewed the State requirements for setting an admissions tax. The draft included all types of activities that could be subject to the tax. The scope of types of activities could be limited if desired. He noted that if Council decided to pursue this they would need to decide the rate of the tax. The maximum allowed by law is 5%. Another issue that would need to be decided would be the type of penalties applied to late payments (the draft says 10%). Mr. Weed suggested that the City conduct an audit

of potential revenues at a variety of rates. Finance Director Sandy Langdon, indicated that she has begun to do this for the golf course, cinema and the skate rink.

Councilmember Jeff Seibert asked about the term "subscriptions". Mr. Weed said the statute did not define this. Councilmember Lisa Vares suggested that it could mean subscriptions to fine arts type venues.

Mayor Weiser referred to Page 1, No. 3 of the Ordinance: "A charge made for food and refreshments in any place where any free entertainment, recreation or amusement is provided." He wondered if this would apply to places that allow table space for card playing or games. Mr. Weed thought that it probably would.

Councilmember Seibert asked why any Councilmembers would not be in support of the admissions tax. Councilmember Mike Leighan replied that cities that have implemented this tax have had it be extremely unpopular.

Councilmember Soriano also had concerns about No. 3 (noted above) especially as it might apply to sports bars and other free entertainment. There was general discussion about how this tax could be applied to different types of businesses. City Attorney Weed said he could look into the history of this statute to see what this meant.

Councilmember Donna Wright said she had envisioned a much narrower scope of an admissions tax when she had proposed it such as ticket sales (not Nos. 2 and 3 on the Ordinance). She indicated she felt it would be prudent for the city to prepare in advance for amusement companies that might move into the area.

Councilmember Suzanne Smith referred to No. 4 that discusses "the rental or use of equipment or facilities". She wondered if this would refer to the Ken Baxter Senior Center. Ms. Smith agreed that if a larger facility came into the area it would be good to have this type of tax established in advance.

Councilmember Jon Nehring noted that if an amusement place is researching places to come this might be a negative aspect.

Matthew Gardner and Jerry Johnson of Gardner Johnson were asked for their opinion regarding this type of tax. They did not think it was a good idea for several reasons:

- It would be difficult for sorting out exactly how to collect the tax.
- The city needs to stay competitive with neighboring communities.
- Historically business owners are the ones who really pay in order to be competitive.

Mary Swenson, Chief Administrative Officer thought it would be a good idea to check to see what surrounding jurisdictions are doing and, if they have the tax, what their rates and revenues are.

Councilmember Vares indicated she was not in favor of this tax. One of her concerns was negative publicity for Marysville. Also, the Economic Survey showed that wages are lower in Marysville than other areas. This means residents have lower optional discretionary spending levels.

Councilmember Wright said she felt that since it was discretionary spending the people could choose whether or not they wished to spend the money (unlike a utilities tax).

Councilmember Nehring worried about the effect it would have on businesses. It was possible the tax would not bring in revenue because it could drive people away.

Councilmember Leighan commented that if the kids couldn't afford to be at the movies or the bowling alley he wondered where they would go.

Mayor Weiser asked what the Council's next step should be.

Councilmember Smith said she would not be voting in favor of this because she felt it would be a detriment in the long run.

Ms. Swenson asked if any additional information was needed. She said it would be brought forward Monday. There were no requests for additional information.

***Consent Agenda Items***

- A. Approval of December 9, 2002 Claims.**
- B. Approval of November, 2002 Payroll.**
- C. Approval of Liquor License Renewals for Circle K #8878; Pearl Garden; and Jackpot Foodmart #160.**

There were no comments or questions on the above items.

**D. Approval of Professional Services Agreement for Consulting & Inspection Services; Wetherholt & Associates.**

Councilmember Seibert asked if this type of inspection had been done before in the city. Bill Spies, Fleet and Facilities Manager, said he was only familiar with this particular roofing project. Mr. Seibert asked if the inspection was necessary in order to receive the warranty. Mr. Spies replied that they could still do the warranty, but his concern was that the project would be subject to question if there were any issues in the future. Mr. Seibert wondered if the contractor guaranteed his work. Mr. Spies replied that the contractor guaranteed his work, but the product needs to be guaranteed by the company.

Councilmember Vares asked if this was a new type of roofing material or a new system. Mr. Spies replied that it was not a new system. He noted that the bidder is well respected and that he had to request approval of the manufacturer in order to install the product. He clarified that the warranty would be for ten years.

Councilmember Smith asked what kind of roof this was. He explained that it was an asphalt roof that covered a small area, but that it had 8 large HVAC units and a high potential for leaking. City Attorney Weed commented that his office has used the Wetherholt & Associates as an expert witness in the past. He believed they were very capable, had high standards and an extraordinary level of expertise in roofing systems.

Councilmember Seibert asked if the warranty would cover replacing the HVAC units if that was an issue. Mr. Spies replied that it would and that the warranty had a no-dollar limit to repairing the problem.

There was no further discussion of this issue.

*Review Bids*

**A. Ballenger Property Improvement Project.**

Mayor Weiser explained that Mr. Ballenger has negotiated a contract with the city. Mr. Owens continued that this is the last item in the puzzle that needs to be done. WSDOT has asked for more information in order to pay. They are working on obtaining that information from the contractor.

Councilmember Smith asked if the other properties would be negotiating some type of agreement. Mayor Weiser replied that some of that work has started (lighting in the alley, speed bumps, etc.).

Councilmember Leighan wanted to know if WSDOT was paying for it all. Mr. Owens clarified that \$2,000 was coming from the city to cover the fence. WSDOT was paying the rest. Mr. Owens further explained that this was the last WSDOT action item agreed to for the Letter of Understanding. WSDOT had asked the contractor for a more detailed breakdown of the contractor's proposal.

Mayor Weiser asked if there were any further comments or questions. There were none.

*New Business*

**A. Gardner Johnson Economic Development Plan.**

Matthew Gardner and Jerry Johnson were present to answer questions Council might have about the report. Mr. Johnson first of all thanked Council, and especially Greg Young, Grants Administrator and Mary Swenson, Chief Administrative Officer, for

000173

their assistance. He mentioned he had reviewed the Executive Summary that Mr. Young had prepared and felt the synopsis was very good. He wanted to be available for questions specifically concerning the initiatives that were recommended to the city. Mr. Gardner encouraged the Council to reconsider imposing a tax when considerable "leakages" already exist.

Mr. Jerry Johnson added that Marysville is similar to many other bedroom communities who are trying to retain and attract businesses in a competitive environment. Marginal changes such as the admissions tax issue could be critical.

Ms. Swenson said that they had invited Gardner Johnson to review the results with Council, but also to help decide where to go next. She felt that the MERC Committee needs to be involved and now would be a good time for Council to give direction and focus to that committee. She believes the full Council needs to meet with the MERC Committee. Councilmember Smith agreed that would be a good idea and commented that it would likely be an intense and lengthy meeting. Ms. Swenson commented that the MERC Committee is already scheduled to meet Wednesday morning to discuss the report. She recommended that Gardner Johnson be in attendance.

Councilmember Smith asked the question: "Where do we begin?" Mr. Johnson clarified that his company tries to inform the policy, not set the policy. The first thing he mentioned was in reference to Strategic Direction No. 1 – Foster Community Collaboration and Leadership. He said that the city needed to set up a local administrative body and that grant writing would be a very important aspect of this. He noted that the sequencing of the projects tends to become driven by the available financing.

Mr. Gardner mentioned that citizens didn't believe anything would happen as a result of this survey. It is extremely important to begin to take steps to improve the lack of trust and the apathy of the citizenry. Ms. Swenson echoed that the city needs to act on this plan. Councilmember Smith commented that this plan is more general than others that have been prescribed in the past and it would be easier to implement parts of it.

Mayor Weiser asked how important it would be to involve businesses and property owners in this. Mr. Gardner believed it was extraordinarily important. The city needs to retain existing businesses in order to attract new businesses. Right now they don't believe anything will happen.

Mr. Johnson added that the focus groups gave the impression of an adversarial relationship between businesses and the city. He also mentioned that a common problem with focus groups is that the very vocal groups are the ones who show up and they are not necessarily indicative of the majority. He suggested doing a poll on the website to get a more accurate distribution of opinions. Ways to limit and filter those who could participate were discussed.

000174

Mr. Gardner stressed the importance of trying to get additional feedback from the community. He believes that apathy will continue until changes are made.

Mr. Gardner described one of the issues which business owners are frustrated with as the permitting process for expanding businesses. Ms. Swenson agreed that many businesses felt the permit and mitigation fees were too high. She wondered if the city was prohibiting expansion.

Mr. Gardner and Mr. Johnson both discussed permit streamlining. They believed the price was not so much an issue as the drawn-out process. Mr. Johnson said that certainty and timeline are even more important to citizens than the cost of fees. Streamlining the permitting process would be extremely helpful and would not necessarily result in revenue reduction.

Councilmember Seibert asked about any other complaints that business owners had. Mr. Gardner indicated that simplification of the permitting process was the main one, but other issues included:

- improving traffic flow
- road conditions
- coordination and consistency between city departments

Mr. Gardner referred to pages 150-151 for summaries of business owners' needs.

Gloria Hirashima, Community Development Director, added that some of these things have been in process over the last year, especially the consolidating of city departments in the permitting process. Mr. Gardner stated that citizens were aware of this, but they see a need for it to continue and expand.

Councilmember Soriano asked about the suggestion to implement a revolving loan fund. He wondered where the capital would come from. Mr. Johnson suggested that the city could work as a conduit through the State's revolving loan fund. Façade improvement was the main issue addressed in regard to the revolving loan fund. Mr. Johnson explained that many cities offer design services to help with consistency and aesthetics among the businesses.

Referring to the revolving loan fund, Mr. Young described the Community Development Block Grant (CDBG) that offers loans for the purpose of encouraging businesses who might hire lower income people. EDA (Economic Development Association) also has funds that can be used. He also suggested forming a Public Benefit District, which would offer funds on a matched basis to businesses. He concluded by saying that the most difficult thing is to find the right program. There are many opportunities to take advantage of various funds.

Mr. Gardner added that the percentage of SBA loans to Marysville is lower than to other areas. Councilmember Smith suggested the City help make the process easier for those applying.

Councilmember Nehring asked about attracting businesses, such as mid-level restaurants, to come to Marysville. Mr. Johnson suggested assembling a demographic development package with competitive information to hook businesses into the city. This could be made available to those businesses that are looking into Marysville and those the city would like to encourage. A package such as this will do a lot of the groundwork that businesses need to do when considering a location. Mr. Gardner added that two things the City could promote were limited competition and opportunities for businesses to expand.

Councilmember Nehring asked what type of working relationship the city ought to have with the Tulalip Tribes. Mr. Gardner suggested utilizing collaborative ways to attract businesses that will benefit one another. He said that symbiosis could be achieved. The situation right now is a substantial sales tax leakage. Mr. Johnson said it was possible that they might act like a shopping center developer in that they (the Tribes) may limit certain types of businesses that may be available. Therefore if they have a Wal-Mart, it is possible they won't allow a Fred Meyer to move in, etc. This could be a great opportunity for the city. Mr. Young emphasized that it could be as simple as running a shuttle bus to the city's golf course to benefit from their crowds.

Councilmember Nehring concluded his questions by asking about Gardner Johnson's recommendation to expedite the State Avenue and Waterfront Park projects. He asked if they had any suggestions for how to go about that. Mr. Johnson said that citizens had expressed interest in that, but that his firm did not have any engineering solutions to offer in that regard.

Councilmember Smith asked if the city has solicited input from developers to determine how to streamline the process. Ms. Hirashima said that they have obtained some of that information and that the city would get back to them when it had the solutions.

Councilmember Smith also inquired about the contents of the demographic packages. Mr. Gardner explained that it would contain an extrapolation of census data. He noted that there are companies that provide the data and help prepare the packages. Ms. Hirashima indicated that the Housing Department does this to some degree.

Mr. Johnson stated that different retailers have different demographic draws. They would need to look at areas outside of Marysville because they will plan on drawing from outside the city limits (i.e. – collect data within a 3-mile radius, a 5-mile radius).

Mr. Johnson explained that casinos in Oregon did not face the same issues because there is no sales tax. Also, historically they have been in far more rural area where they don't impact cities as much.

Mayor Weiser thanked Mr. Gardner and Mr. Johnson for coming.

000178

**B. Caretaker Agreement for Jennings Memorial and Nature Parks.**

There were no comments or questions.

**C. 2002 Local Law Enforcement Block Grant (LLEBG).**

There were no comments or questions.

**D. Amendment to Yakima County Jail Agreement.**

Councilmember Smith asked if this expense was anticipated in the 2003 budget. Commander Ralph Krusey said that it was. He also stated that this was the cheapest option and that Chelan had no space.

There were no further comments or questions.

**E. Amendment to M.M.C. 11.62.010 Relating to the Definition of "Truck" for Purposes of Establishing Truck Routes.**

Ms. Swenson explained this was in response to several citizens who came to Council with an issue regarding a bus being parked in a neighborhood. City Attorney Weed commented that as long as the bus was traveling to conduct its business it was okay to go off truck routes. The city needed to define "truck" in order to solve this particular issue. Commander Krusey added that this would not apply to high-end buses such as RV's.

**F. Harbor Winds Rezone/Preliminary Plat; PA0009038.**

Councilmember Seibert wondered about the change in requirements of conditions for this project. Condition 4, Page 9 says, "Prior to preliminary plat approval, the applicant shall provide a detailed analysis". He wondered why this had not been consistently required. Ms. Hirashima said she would look into the matter.

**G. Architectural Services for City Facilities; Dykeman Architects.**

Councilmember Leighan noted that extra was paid to Dykeman because of preliminary designs and layouts. He thought that a company who laid out cubicles would come in to design that. Ms. Swenson replied that there would still be some remodeling needs, especially regarding the downstairs walls.

Councilmember Smith asked if any of the construction could be done in-house. Ms. Swenson explained that it would depend on the type of construction and the dollar amount. The city only has two maintenance employees so it would take a fair amount of time to complete. There are also dollar limits to what City employees can do. She said that they are focusing on minimal cost improvements and trying to do as much internally as possible.



000177

There were no further comments or questions.

**H. WSDOT General Contract Authorization for Ballenger Property.**

There were no comments or questions.

**I. 2002 Budget Amendments.**

Sandy Langdon, Finance Director, distributed copies of the Budget Amendments for 2002. Ms. Langdon reviewed the list item by item and gave a description of each. She then explained the 2002 Budget status.

*Legal*

**A. Recovery Contract for Sewer; City of Marysville.**

Councilmember Seibert had questions regarding how it was determined which lots benefited and which ones didn't, about the breakdown of the properties, and about where the costs of striping would come from. He also asked about the differences in amounts between the recovery and costs. Ms. Hirashima stated that she would look into the issue.

*Ordinances & Resolutions*

- A. An Ordinance of the City of Marysville, Washington Amending Marysville Municipal Code Section 11.62.010 Relating to the Definition of "Truck" for Purposes of Establishing Truck Routes.**
- B. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by David Ross and Amending the Official Zoning Map of the City.**
- C. An Ordinance of the City of Marysville Amending the 2002 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in 2002.**
- D. An Ordinance of the City of Marysville, Washington, Imposing an Admissions Tax in the City; and Adding a New Chapter 3.86 to the Marysville City Code.**
- E. An Ordinance of the City of Marysville Amending Ordinance No. 2454, Section 1 and Section 2, Relating to Levying Taxes upon All Property Real, Personal, and Utility Subject to Taxation within the Corporate Limits to the City of Marysville, Washington for the Year 2003.**

*Information Items*

000178

**Mayor's Business**

**Staff Business**

Mary Swenson reminded Council that the next meeting would be the last one for the year. As such there would be contracts that are regularly renewed on the agenda for next week.

**Call on Councilmembers**

Lisa Vares discussed an article she had from the Everett Herald regarding the streamlining process that Gardner Johnson alluded to. She said there would be an informational meeting in Everett on December 9 and in Bothell on December 19<sup>th</sup>.

Donna Wright distributed information showing who was attending the NLC meetings.

There was a **Motion** by Councilmember Nehring, second by Councilmember Smith to extend the Work Session to 10:00 p.m. for the purpose of an Executive Session. **Motion** approved 6-1 with Councilmember Leighan opposed.

*Adjournment*

Mayor Weiser adjourned the meeting into Executive Session at 9:25 p.m.

*Executive Session*

Council convened into Executive Session to discuss two personnel matters at 9:30 p.m.

*Adjournment*

Council reconvened into regular session at 10:20 p.m. and adjourned with no further action taken.

Approved this 9<sup>th</sup> day of December, 2002.

		
Mayor	City Clerk	Recording Secretary