

April 28, 2003

000368

Marysville City Council
7:00 p.m.

Public Safety Center

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approval of Minutes	
April 14, 2003 City Council Meeting.	Approved
April 21, 2003 City Council Work Session.	Approved
Consent Agenda	
Approval of April 28, 2003 Claims in the Amount of \$947,910.87; Paid by check No. 6832 through 7159 with Check No. 6418 Void	Approved
Approval of April 18, 2003 Payroll in the Amount of \$479,098.65; Paid by Check No. 10520 through 10595 with Check No. 10593 Cancelled.	Approved
Authorize Mayor to Sign Renewal Annual Maintenance Contract for Telemetry and SCADA System.	Approved
Authorize Mayor to Sign Second Amendment to Interlocal Agreement with the City of Lake Stevens for Jail Services.	Approved
Approval of Liquor License Renewals for Albertson's #471 (301 Marysville Mall); G.A. Maxwell (1204 3rd St.); Home Plate Pub (9317 State Avenue #B & #C); The Great Northern Tavern (8421 State Avenue); Chevron #1103 (1206-4th Street); and Soap and Such Gifts (7511-77th Drive NE).	Approved
Authorize Mayor to Sign Agreement with Choicepoint Business and Government Services, Inc. for Access to Public Record Data Services.	Approved
Review Bids	
Approve Award of Bid to the Apparent Low Bidder, R & J Landscape and Construction, Inc. for 57 th Place Improvements.	Approved
Public Hearings	
Approve and Adopt the Surface Water Comprehensive Plan, Surface Water Utility Rate Study and the Hydrologic Modeling/Master Drainage Basin Planning Study.	Approved
Approve the Stormwater Code Revisions and Direct Staff to Bring Back an Ordinance.	Approved
New Business	
Accept the Proposal of a Regional Stormwater Facility and Direct Staff to Explore the Parameters Through the Necessary Agencies and Review the Options Presented.	Approved
Authorize the Mayor to Sign the Professional Services Agreement for \$20,369.00 with Jones and Stokes for the Air and Noise Quality Analysis for the State Avenue 116 th Street NE to 136 th Street NE Improvement Project.	Approved
Adopt Policy Regarding Employees Called to Active Duty from Reserve Status.	Resolution No. 2094
LEGAL	
Approve Contract for Recovery of Utility Construction Costs for Sewer; R & D Park Creek LLC.	Approved Utility Recovery Contract No. 257
Authorize Mayor to Execute Agreement with Grace Baptist Bible Church of Marysville and Accept Grant of Easement.	Approved

April 28, 2003

Marysville City Council
7:00 p.m.

000369 Public Safety Center

Ordinances and Resolutions	
Affirm Establishment of a Salary Commission for the City; and Addition of a Chapter 2.51 to the Marysville Municipal Code.	Approved Ord. No. 2475
Adjournment	9:16 p.m.
Executive Session	9:30 p.m.
One Personnel Item	No Action Taken
Adjournment	10:20 p.m.

MARYSVILLE CITY COUNCIL MEETING

000370

April 28, 2003

7:00 p.m.

Public Safety Center

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Mayor David Weiser called the April 28 meeting of the Marysville City Council to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

INVOCATION

Pastor Greg Kanehan of the Marysville Free Methodist Church gave the invocation.

ROLL CALL

Mary Swenson, Chief Administrative Officer, called the roll. The following councilmembers and staff members were in attendance:

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

Staff: Ralph Krusey, Police Commander; Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director and Jim Ballew, Parks and Recreation Director.

Mayor Weiser noted the excused absence of Councilmember Suzanne Smith.

COMMITTEE REPORTS

Councilmember Mike Leighan reported that at the Public Safety meeting the committee:

- Had a facilities tour of the new evidence room and old evidence room.
- Had a presentation on the chain of custody.
- Discussed the burglar alarm ordinance.
- Discussed organization chart changes among the command staff.
- Had an update on the fireworks ban.

Councilmember Donna Wright reported on the Finance Committee meeting last Wednesday, which included:

- Update on grant applications.
- Update on financial system.
- Discussion of loan status.
- Discussion of two Finance division openings and the planned interview schedules.
- Discussion of large number of water service disconnects due to people not paying their bills.

Councilmember Jon Nehring added that there would be a Council Budget Workshop on Friday, May 9 from 3 p.m. to 7 p.m.

Councilmember John Soriano reviewed the LEOFF I Committee meeting where they reviewed and approved claims and discussed dental coverage.

PRESENTATIONS

A. Introduction of New Police Chaplain, Associate Pastor Greg Kanehan.

Commander Ralph Krusey introduced Pastor Greg Kanehan. Pastor Kanehan lived in Marysville several years ago before moving to Bellingham. In Bellingham he was involved in a chaplain program as part of a crisis intervention group.

Pastor Kanehan then noted that he is thrilled to be part of the Marysville community again. He stated that he feels he owes it to the community to be involved beyond the confines of the church building. He explained that he has found trauma care to be an important avenue to serve the community. Pastor Kanehan concluded that he is looking forward to contributing to the well being of the community.

B. Service Award Presentation.

Marc Renner, Information Systems, 5 years of service.

Finance Director Sandy Langdon reviewed Mr. Renner's history with the City. She noted that he is working on obtaining his bachelor's degree. Ms. Langdon noted that his hobbies are fishing and skydiving. She stated that his position is very valuable and requires attention to detail. Mr. Renner has always been aware of current technology and kept his skills up to date. He has assumed more and more duties as needed and his technical support is invaluable. Sandy thanked him and congratulated him on his five years of service to the City.

Teri McCann, Customer Relations Representative, Public Works, 5 years of service.

Public Works Director Jim Owens introduced Ms. McCann. He explained that she moved here in 1996 with a background in medical office billing. She was committed to working for the City and pursued that goal until she was hired as a Public Works Clerk. Currently she works in customer relations where she answers numerous questions and addresses customer complaints. She is versed in many different topics and performs a critical function in closing the loop of communications with customers. Mr. Owens thanked Ms. McCann for five years of dedicated service to the City of Marysville.

AUDIENCE PARTICIPATION

000372

Bill Binford, 11417 124th Avenue NE, Kirkland

Mr. Binford shared with Council information that he had learned today concerning the gas price tax. He explained that the 172nd interchange project was thought to be on that list, but per his conversation with WSDOT this morning it is not on the final list that went through in Olympia. Mr. Binford suggested that Arlington, Marysville and all surrounding agencies put forth the effort to get together and make a trip to Olympia. He noted that the state and the taxpayers have spent a lot of time and money designing this project, which is 87% complete. It would have a grave impact to stop work at this late date and the state cannot afford to walk away from an investment of that magnitude.

Chief Administrative Officer Mary Swenson indicated that she was aware of that development and has been communicating with Arlington to determine how to proceed. Councilmember Jon Nehring commented that there were several legislators that should be contacted. Mr. Binford agreed.

APPROVAL OF MINUTES

A. April 14, 2003 City Council Meeting.

Councilmember Jeff Seibert referred to Page 3 of the minutes and the Recap, which say, "Limit Water and Sewer Service to Properties within City Limits". He would like them to state, "Require Annexation Before Service". He would also like the topic to be referred to in that way in the future.

Motion by Councilmember Jeff Seibert, second by Councilmember Mike Leighan to approve the minutes as amended. **Motion** passed unanimously (6-0).

B. April 21, 2003 City Council Work Session.

Councilmember Lisa Vares noted that on Page 1 the amount they were holding was \$70,000, not \$170,000.

Motion by Councilmember Vares, second by Councilmember Donna Wright to approve the minutes as amended. **Motion** passed unanimously (6-0).

C. April 8, 2003 Marysville & Arlington Joint Workshop.

Motion by Councilmember Mike Leighan, second by Councilmember John Soriano to approve the minutes as presented. **Motion** passed unanimously (6-0).

CONSENT AGENDA

Mayor Weiser asked if any audience members wished to remove any of the Consent Agenda Items for discussion. No one responded. There weren't any Councilmembers who wished to remove any of the agenda items.

Motion by Councilmember Mike Leighan, second by Councilmember Jon Nehring to approve Consent Agenda Items A – F. **Motion** passed unanimously (6-0).

- A. Approval of April 28, 2003 Claims in the Amount of \$947,910.87; Paid by check No. 6832 through 7159 with Check No. 6418 Void.**
- B. Approval of April 18, 2003 Payroll in the Amount of \$479,098.65; Paid by Check No. 10520 through 10595 with Check No. 10593 Cancelled.**
- C. Authorize Mayor to Sign Renewal Annual Maintenance Contract for Telemetry and SCADA System.**
- D. Authorize Mayor to Sign Second Amendment to Interlocal Agreement with the City of Lake Stevens for Jail Services.**
- E. Approval of Liquor License Renewals for Albertson's #471 (301 Marysville Mall); G.A. Maxwell (1204 3rd St.); Home Plate Pub (9317 State Avenue #B & #C); The Great Northern Tavern (8421 State Avenue); Chevron #1103 (1206-4th Street); and Soap and Such Gifts (7511-77th Drive NE).**
- F. Authorize Mayor to Sign Agreement with Choicepoint Business and Government Services, Inc. for Access to Public Record Data Services.**

REVIEW BIDS

- A. 57th Place Improvements.**

Public Works Director Jim Owens had nothing further to add. There were no questions of staff or any public comment.

Motion by Councilmember Mike Leighan, second by Councilmember Donna Wright to approve award of the bid to the apparent low bidder, R & J Landscape and Construction, Inc. in the amount of \$64,472.92 including Washington State Sales Tax; authorize the Mayor to sign the contract documents and approve a 10% management reserve of \$6,447.13 for a total allocation of \$70,920.00. **Motion** passed unanimously (6-0).

A. Surface Water Comprehensive Plan, Surface Water Utility Rate Study and Hydrologic Modeling/Master Drainage Basin Planning Study.

Public Works Director Jim Owens noted he had nothing further to add. Mayor Weiser asked if there were any questions of staff. There weren't any questions of staff or public comment.

Motion by Councilmember Donna Wright, second by Councilmember Jeff Seibert to approve and adopt the Surface Water Comprehensive Plan, Surface Water Utility Rate Study and the Hydrologic Modeling/Master Drainage Basin Planning Study.

Grant Weed, City Attorney, commented that implied in the action is direction for staff and Mr. Weed to return with implementing ordinances.

Councilmember Jeff Seibert asked about an earlier request from Council to review how the County is passing the fee with entities such as school districts and seniors. He said he would like to start a review now and not wait for three years. Councilmember Wright said she would rather stay with the plan the way it is now. Sandy Langdon, Finance Director, explained that in order to bill through the county they would be required to use the county's standards. After three years the City is planning to take over the billing and review the standards. Mr. Weed added that he would be bringing back to the Council three different ordinances for discussion and approval.

Councilmember Nehring asked Mr. Owens if there was an anticipated budget by 2009 if rates were left the same. Mr. Owens and Ms. Langdon both indicated they did not have that information. Mr. Nehring asked if a regional stormwater facility was part of the plan. Mr. Owens concurred that there were 3.8 million dollars allocated for the regional detention facility in the north end. Councilmember Seibert referenced changes discussed at work session. Mr. Weed said they were working on that and would be bringing it back to the council.

Motion passed unanimously (6-0).

Chief Administrative Officer Swenson thanked those involved in putting the plan together. She commended them for doing a great job.

B. Stormwater Code Revisions.

Community Development Director Gloria Hirashima reviewed the changes that Council discussed at the Work Session. There was no public comment.

Councilmember Nehring said that at a prior meeting many business owners and development community members had asked for this and he wanted to confirm that they were comfortable with this.

Councilmember Seibert referenced Page 31 regarding giving notice to Council when a major adjustment being made. He commented that it was not necessary for them to come back to Council for minor adjustments.

Motion by Councilmember Jon Nehring, second by Councilmember Mike Leighan to approve the revisions as discussed by Community Development Director Hirashima and direct staff to bring an ordinance back. **Motion** passed unanimously (6-0).

NEW BUSINESS

A. North Marysville Area Regional Stormwater Detention Facility Feasibility Study, and Public/Private Partnership Proposal.

Public Works Director Jim Owens responded to questions that had been asked at the Work Session. First he addressed the question of how much it would cost an individual developer to do the detention on their own. The estimate prepared by Otak was based on 2 feet of fill and the fact that on-site storage would need to be in a vault or pipe. A rough estimate of \$140,000/acre was given. Next he discussed issues related to the airport. He confirmed that it was the type of vegetation in the ponds, which would make it possible. Finally he explained the reason for the difference in acreage in 2A and 2B.

Public Comment.

Bill Binford, 11417 124th Avenue NE, Kirkland

Mr. Binford commented that many areas of the country are doing regional detention for many different reasons including:

- Lower construction costs for cubic feet of storage.
- Less land devoted to surface water facilities.
- Greater flexibility and site development.
- Control of delays and hassle factors associated with obtaining permits.
- Options for green space.
- Reduced maintenance cost for cities.
- Increased control over quality and frequency of maintenance.
- Opportunity to support growth management costs.

There weren't any questions for Mr. Binford or further public comment.

Councilmember Seibert said that some type of detention needs to be done in the north end. He suggested moving forward as quickly as possible.

Councilmember Leighan asked Mr. Weed about the Binford proposal. He wondered how a partnership such as this could ensure that the price remained the same. Mr.

Weed said that the agreement would need to provide provisions for that. He commented that he has reviewed other agreements where the same sorts of concepts have been addressed. The City of Everett and Kimberly Clark agreement contains concepts that could apply to this situation. Other examples from around the state could be referenced to assure that the desired performance does occur and if not that there is some action the City can take to make sure that it is done satisfactorily. Mr. Leighan then asked how prevailing wage laws apply in a public private partnership. Mr. Weed explained that if public money is contributed at all then the prevailing wage laws do apply.

Motion by Councilmember Jeff Seibert, second by Councilmember Donna Wright to accept the proposal of a regional stormwater facility and direct staff to explore the parameters through the necessary agencies and review the options presented, with updates to Council frequently. **Motion** passed unanimously (6-0).

Councilmember Lisa Vares commented she was not a big fan of this project; however of all the options she likes the idea of the City being a customer and not an owner in this project.

B. Professional Services Agreement with Jones & Stokes; State Avenue (116th Street N.E. – 136th Street N.E.) Improvement Project.

Mr. Owens introduced Pat Gruenhagen, Project Manager, to explain why this supplemental agreement is necessary. Mr. Gruenhagen explained that they are in the final stages of environmental review on the project. They were informed that they need to do an air/noise analysis on the project. He has discussed this with WSDOT and concluded that the City needs to do this because there is federal money in the project, which entails federal regulations. He explained that Marysville and Puget Sound as a whole are subject to greater air quality requirements than other areas. The study will be mainly looking at hot spots where queuing vehicles would cause air quality issues.

The implications are:

- Noise – If the noise exceeds thresholds they could be required to put in noise walls. Consultant says this is very rarely imposed by WSDOT.
- Air Quality – This is based on what the air quality will be once the project is built. Potential correction factors might be a dedicated right or left-turn lane at an intersection to reduce air quality issues.

Councilmember Leighan asked if there would be any other studies that might pop up before construction could begin. Mr. Gruenhagen replied that he did not believe there would be any more surprises. Mr. Leighan then asked when it would be completed. Mr. Gruenhagen responded that it would probably be late summer.

Councilmember Seibert referred to the Scope of Work. He asked if the residential zones would apply since it is not primarily a residential area. Community Development Director Hirashima explained that it would depend how far out the study

looked. Mr. Gruenhagen thought that it would look at approximately 300 feet. He commented that there were a few residences and apartments that might be in that range. Discussion occurred about the criteria that would be used to evaluate the project. There were no further questions of Mr. Gruenhagen.

Motion by Councilmember Mike Leighan, second by Councilmember Lisa Vares to authorize the Mayor to sign the Professional Services Agreement for \$20,369.00 with Jones and Stokes for the Air and Noise Quality Analysis for the State Avenue 116th Street NE to 136th Street NE Improvement Project. **Motion** passed unanimously | (6-0).

C. Policy Regarding Employees Called to Active Duty from Reserve Status.

Chief Administrative Officer Swenson commented that she drafted this resolution based on prior discussion at a Council Workshop. She reviewed the major points of the policy. Employees could donate time up to a designated point to supplement pay. The policy includes medical benefits. She noted that most counties are continuing to provide medical benefits. She also noted that the employee would not have to exhaust their entire sick leave time, but could leave 240 hours.

Councilmember Seibert asked when the request would be submitted. He suggested that it could be made in advance, anticipating that it would run out. Ms. Swenson said it could be done either way, however they would not ask for donations until the employee was getting close to the point of exhausting their leave.

Councilmember Leighan referred to Section 4. He thought Everett did hour for hour. Ms. Swenson explained that it was dollar for dollar so as not to conflict with other policies the City has. Mr. Leighan then asked what the impact would be if there were several reservists called up at the same time at some point in the future. Ms. Swenson responded that it could be a pretty substantial financial hit if they had several employees to cover at the same time.

Councilmember Nehring asked if it had been determined that the military would not cover the employee medically. Ms. Swenson explained that there would be some coverage, but it would be different.

Councilmember John Soriano asked if the tenure with the City would continue to build while they were on reservist duty. Ms. Swenson explained that it would not.

No one in the audience wished to comment.

Motion by Councilmember Mike Leighan, second by Councilmember Jeff Seibert to adopt Resolution No. 2094. **Motion** passed unanimously (6-0).

LEGAL**A. Contract for Recovery of Utility Construction Costs for Sewer; R & D Park Creek LLC.**

Motion by Councilmember Donna Wright, second by Councilmember Jon Nehring to approve the Contract for Recovery of Utility Construction Costs No. 257.

Councilmember Seibert asked about a portion of property that was not included in this contract. Community Development Director Hirashima explained that the coverage went partially into a portion of the frontage of Olympic Sunset who will be filing at a different time. Mr. Seibert then inquired about the square-footage type assessment. He asked who makes the determination on how the allocation of cost is applied. She said the lineal frontage method of computation is generally the type used and she felt it was the fairest.

Motion passed unanimously (6-0).

B. Authorize Mayor to Execute Agreement with Grace Baptist Bible Church of Marysville and Accept Grant of Easement.

City Attorney Grant Weed explained that the remainder of materials has been received. He noted that approval of this would mean approval of:

- Settlement agreement.
- Utility easement agreement.
- Creek easement.

Motion by Councilmember Jon Nehring, second by Councilmember Mike Leighan, to approve the three agreements with Grace Baptist Church. **Motion** passed unanimously (6-0).

ORDINANCES AND RESOLUTIONS**A. An Ordinance of the City of Marysville, Washington Establishing a Salary Commission for the City; and Adding a Chapter 2.51 to the Marysville Municipal Code.**

Councilmember Leighan asked about the referendum process. Mr. Weed explained that the public could only nullify the proposal, not change it. Mr. Leighan then asked how many signatures were necessary. Mr. Weed thought it was 10% of the registered voters who voted in the last election.

Councilmember Seibert asked about excusing someone as a member from the commission if they were a convicted felon. Mr. Weed said that could be added.

There was then discussion about term limits.

City Attorney Weed suggested recommending that Council would incorporate any changes into the budget for the year following review without further action. He also recommended the verbiage "a crime of moral turpitude" instead of "convicted felon".

Motion by Councilmember Seibert, second by Councilmember Vares to approve Ordinance 2475 with the addition of the phrase moral turpitude and that changes are incorporated into the budget for the year following review without further action by Council. **Motion** passed 5-1 with Councilmember Leighan voting against.

INFORMATION ITEMS

Mayor's Business.

Mayor Weiser introduced Marysville's new City Engineer, Kevin Nielsen. Mr. Nielsen thanked the City for the honor.

Mayor Weiser then brought up the discussion about the relationship between the Mayor and the Chief Administrative Officer. He said they are planning on bringing that back at the next workshop. There was general consensus regarding this.

Staff Business.

Mary Swenson noted that the Gambling commission has been meeting. They will have something to Council in May. The Economic Implementation Committees have also begun meeting and are beginning to take action.

Grant Weed explained that the annexation bill for areas not inhabited by residents passed. He discussed the implications of this.

Gloria Hirashima said that there will be a meeting on May 14 regarding the Sunnyside Annexation. The Lakewood meetings are still being determined, but they are planning on having smaller meetings with some different areas there.

Jim Owens explained that there is a conflict with the May 17 Public Works tour. Mary Swenson explained that the police inspection was being held that day at 2:00 p.m. at the Navy Support Facility. Mr. Owens continued that they would like to set a new date for the tour, possibly the second Saturday in June. The general consensus was that June 14 would be fine.

Mr. Owens then mentioned that the City would be taking over five traffic signals in June and will have operational maintenance responsibility for those.

He then noted that Council adopted Ordinance No. 2072 in April 1996 regarding pretreatment and the treatment of grease traps. He said there are ten businesses that have ignored phone calls and letters. Three firms have grease traps, but have allowed

them to become inoperative. Mr. Owens explained that they will be sending them a letter alerting them to the penalties for non-compliance.

Jim Ballew announced that the Easter Egg Hunt was a great success. He thanked the Marysville Noon Rotary and thanked the Future Business Leaders of America from Marysville-Pilchuck High School for their assistance. He also recognized Councilmember Leighan and Councilmember Soriano for attending.

Mr. Ballew then announced that Marysville received the Washington Recreation and Parks Association Award for Parks for the new skate park. He explained that the project has been submitted to AWC for recognition and they have also been asked by a national association to attend a national convention to present the project.

Call on Councilmembers

Mike Leighan discussed:

- The Ash Street Park and Ride project.
- 172nd Street project – urged staff to take action on this to get it back on the list.
- Discussed north end zoning.
- High visibility crosswalk, but cars still continuing near the ballpark. Suggesting getting signs installed.

John Soriano asked Jim Ballew about an interim use for the driving range. Mr. Ballew replied that he did not have any planned use at this time. Mr. Ballew noted that there have been lighting improvements and an alarm placed in the building.

Mr. Soriano then mentioned that he took part in a block party in Country Manor to acknowledge the naval families. He said it was very rewarding and nice to see the naval families come out to be appreciated. He asked if there was anything the City was doing to acknowledge the homecoming of the Lincoln. Mary Swenson said that there would be a banner welcoming them home; yellow ribbons at park, and yellow ribbons on city vehicles.

Jon Nehring thanked staff for the Volunteer Appreciation Reception. He said he also would like to hear an update on the 172nd project.

Mr. Nehring then discussed the petting zoo. He said that the Hotel/Motel Committee wanted to use the funds for that program. Grant Weed explained his reasons that he had felt it would not be appropriate. Mr. Nehring said that he felt it should be made available. He added that he would change his vote on that and would vote to use the money to keep the petting zoo open. Ms. Swenson indicated that the request came from Rotarians and they would need to see if they were still interested. Jim Ballew added that normally the zoo would be opening in two weeks. He said that it would be fine with his department if Council approved opening the zoo, however it would be a challenge to the existing staff.

Motion by Councilmember Jon Nehring, second by Councilmember Lisa Vares to direct staff to contact Noon Rotary Club and bring it back for possible action at the workshop.

Discussion:

Councilmember Seibert wanted to know the cost of operating the petting zoo. Jim Ballew explained that the animals come from the Marysville School District school farm and are ready to come over. The coordinator of the program would also be available. They would be looking for a petting zoo supervisor. The staff usually comes from the students involved in that program. He noted that the budget for that was \$15,000, which includes everything, and would likely be more than the amount needed. Mr. Seibert then asked for clarification about the hotel/motel grants fund. Sandy Langdon and Mary Swenson explained the funding regulations.

Councilmember Donna Wright asked about donations to the zoo. Mr. Ballew said that there is an opportunity for visitors to donate. Mr. Nehring suggesting soliciting more volunteers and making the donation can more visible.

Mr. Weed suggested documenting the head count of visitors to determine how many people come from out of town.

Mr. Ballew said he had just confirmed with the Rotarians that there would be a high probability that they would still be willing to fund the petting zoo.

Councilmember Leighan referred to the legislature looking at the hotel/motel tax as a funding source. He then asked at what point they should stop trying to find funding and show people that there is a correlation between revenues and resources. There was some discussion about this.

Jeff Seibert asked about the Citizens Award for Chaplain Niva. Commander Krusey indicated they were working on it. Mr. Seibert then discussed the lift station at Sunnyside, which has been filled up recently. Next he asked who was on the Economic Revitalization Committees. Mary Swenson responded that she would get Council a list, but explained some of them are in the process of being formed. Finally Mr. Seibert then asked that they move the Utility Service Workshop to the first work session in July and second meeting in July instead of the last workshop and council meeting in June. There were no objections to that.

Donna Wright agreed that the volunteer recognition reception was well organized and attended.

She thanked the Police Department for the Public Safety tour. She noted that the officer in charge of evidence was very diligent and very committed to protecting the area.

Lisa Vares asked Jim Owens about the Grove Street Committee. Mr. Massie had said Council would be getting their proposal for the neighborhood. Mr. Owens said he would be getting it back to Council soon.

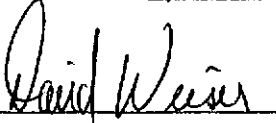
ADJOURNMENT

The regular meeting was adjourned at 9:16 p.m. and was recessed into Executive Session to discuss one personnel item.

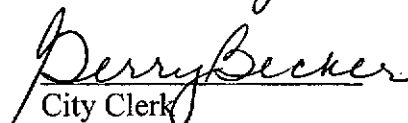
EXECUTIVE SESSION

Council met in Executive Session at 9:30 p.m.; discussed one personnel issue; reconvened into Regular Session at 10:20 p.m. and adjourned with no further action taken.


Approved this 12th day of May, 2003.



Mayor
David Weiser



City Clerk
Gerry Becker



Recording Secretary
Laurie Hugdahl

Marysville City Council Work Session Minutes

April 21, 2003

7:00 p.m.

Public Safety Center

Call to Order / Pledge of Allegiance / Invocation

Mayor David Weiser called the work session to order at 7:00 p.m. He then proceeded to lead those present in the Pledge of Allegiance. There was not a pastor in attendance so an invocation was not given.

Roll Call

Chief Administrative Officer Mary Swenson called the roll. The following councilmembers and staff members were in attendance:

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

Staff: Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director; Randy Brower, Surface Water Program Engineer; Kevin Nielsen, Interim Assistant City Engineer; Doug Buell, Community Information Officer.

Committee Reports

Councilmember Lisa Vares gave a **Public Works** update.

- She informed councilmembers that the tour of the Public Works facility is tentatively scheduled for May 17th. The councilmembers were asked to contact Public Works Director Jim Owens and let him know if they would be able to attend.
- She then discussed the bio-solids contract. The punch list is still incomplete and the contractor is delaying finishing the project. They are holding \$170,000 as an incentive to finish.
- There was a West Nile Virus update from Jim Owens. He had noted that it is a cyclical issue. Snohomish County and Snohomish County Health District have put together a plan that will benefit the City.
- There was also an Edwards Springs update with a discussion of 11 criteria that need to be met.
- Right of way acquisitions for State Avenue, from 1st to Grove, were also briefly discussed.

CORRECTED SEE 4/26/03
MINUTES SJB 70 000

Presentations

North Marysville Area Regional Stormwater Detention Facility Feasibility Study.

Public Works Director Jim Owens noted that this presentation was in response to Council's request for information on possible facility sites and costs. He noted that the study boundaries included 950 acres with 460 acres of developable land. The study concluded that regional detention is feasible in the north end and is the desirable option. Otak looked at two engineering approaches: Pipe & Pond and In-Stream concept.

Mr. Owens then went on to discuss the four various alternatives.

- Alternative 1: Piped Conveyance to Multiple Ponds
- Alternative 2: In-line Channel & Overbank Storage
- Alternative 3: Developer's Proposal – Pipe to Single Pond
- Alternative 4: Alternative 3 with Additional Pond

The recommendations from the study were to:

- Adopt the Surface Water Management Plan and Surface Water Utility Rate Study.
- Start preliminary design process of Master Drainage Plan immediately which would provide the potential for 6 to 12 months time-savings in development of regional detention facilities.
- Master Drainage Plan will provide a comprehensive approach for the entire sub-basin in order to achieve regional surface water objectives.
- Discuss proposed alternatives with regulatory agencies as soon as possible.
- Create adequate, equitable and effective funding mechanisms, including partnering with neighboring agencies, developers, and landowners, through interlocal agreements.

Councilmember Mike Leighan inquired about the difference in acreage in Alternatives 2A and 2B. Joe Simmler of Otak explained the reason for the difference between the two.

Councilmember Lisa Vares asked what detention would cost the developer if the City did nothing. Jim Owens said he did not know that, but noted that the City would save money in the management of the ponds as opposed to managing multiple sites. Mary Swenson added that she has heard from developers that the cost is typically prohibitive.

Councilmember Jeff Seibert clarified the breakdown of the costs. He suggested that the City might build in some sort of recovery system. Jim Owens said he didn't know if a developer even could build on his own. Councilmember Seibert then referred to the 10,000-foot pond restrictions from the airport. He asked how a pond could be placed in that restricted area. Mr. Owens referred to a map in the packet. He noted that there would be vegetation in the ponds and that they would be shallow, wide, and pebble-filled in order to discourage bird populations. He felt they could be constructed in an acceptable fashion to meet the requirements. There was discussion of the issues with crossing the channel. Mr. Owens explained that they would prefer not to cross the streams and would like to do away with some of the channelized streams.

Councilmember Leighan then referred to Alternative 1. He noted that Pond 1 serviced the north end of the City limits. He asked if Pond 2 could serve the northern area and have Pond 1 built at a later date. Mr. Owens said that they would have to have the total conveyance done, but that they could probably sequence the ponds. Mr. Leighan then noted that Alternative 3 didn't appear to fit the City's needs considering the State Avenue project. Mr. Owens agreed that Alternative 4 would serve needs better than Alternative 3.

Councilmember Suzanne Smith noted that the diameter of the conveyance pipes in Alternative 3 was 5 feet. She asked what size pipe would be used on Alternatives 1 and 2. Mr. Owens did not have that information. Randy Brower, Surface Water Program Engineer, informed her that it would depend on demand and that would be determined at a later date. Councilmember Smith noted that Arlington's southern UGA is in Marysville's watershed. She suggested bringing their portion into this plan. Jim Owens explained that they hope to do that and that they have been meeting to discuss that. Mr. Brower added that there was a defined boundary to do this study. Councilmember Smith had concerns about the study not including other areas. There was discussion about Arlington's status in this process and their needs for drainage. Councilmember Smith was concerned that there might be challenges from Arlington about the ponds within the 10,000-foot radius of the airport. She didn't think they would want to allow any ponds in that area. Jim Owens stated that this is a preliminary look at the issue. He agreed that the airport would be a challenge and would need to be properly managed to avoid issues with birds.

Councilmember Smith then asked for clarification about Alternative 2. She asked if the individual ponds had berms or dikes around them. Jim Owens indicated that they did. He also noted that this combination approach would address detention, conveyance and groundwater infiltration. Councilmember Smith asked if the ponds could be phased in individually. She commented that the report indicated it would be difficult to phase. Mr. Owens said the problem would be how the area would be forced to develop if that were the case. Councilmember Donna Wright noted that Issaquah did something like Alternative 2 and got an award at PRC because it was a combination. Randy Brower said there was a similar facility at Crown Distributing off 172nd in Arlington. Snohomish County and the City of Seattle have also done similar projects.

Councilmember John Soriano asked if there were any stretches where the pipe requirement was so long that it would cause a problem with gravity. Mr. Owens explained that Bill Binford of Venture Pacific Land Corporation has studied this and determined that there is enough fall.

Mr. Soriano then asked if the costs could elevate. Mr. Owens could not speculate on that. Mary Swenson added that Council needed to keep in mind how the funding would happen. Mr. Binford's public-private partnership approach would help the City get the project done quicker.

Sandy Langdon, Finance Director, discussed some financing options such as:

- Recovery LIDs
- Rate structure to help pay back any amount financed
- Possibility of financing through water and sewer – the benefits of doing this were discussed.

Councilmember Seibert inquired whether or not the rate study had taken into account a project of this magnitude. Mr. Brower indicated that it had taken into account one smaller pond, but that additional funding would definitely be needed. He reminded Council that they had recommended revisiting rates in three years. Councilmember Seibert then referred to Otak's maps. There was discussion about the boundaries. Mr. Brower said that the city limits were included, but that an additional pond might be necessary to accommodate annexed area. Councilmember Seibert suggested a partnership with Arlington to do a pond in that area.

Jim Owens noted the possibility of capturing some of the water that runs off roofs, which would provide a potential reduction of needs there. He then informed Council that there is a Drainage District #5 up in that area. There is a possibility that it still exists, but is non-functioning. It would be a separate legally established with governing authority under state law to create, preserve, and enhance drainage facilities with the ability to tax for revenue-raising possibilities. This could result in cost-savings, timesavings, and a simpler permitting process. City Attorney Grant Weed said that this could benefit the City through an interlocal agreement. The City could partner with them to take advantage of their benefits. He believed the statutes that define their authority are pretty broadly drawn although this would need to be investigated further.

Councilmember Seibert asked if Arlington's plan met DOE standards. Councilmember Leighan indicated that it did not. There was discussion about whether or not it was substantially equivalent. Councilmember Smith requested information on the status of the project, especially with regard to how DOE is finding the project. Ms. Swenson said she could check into that.

Councilmember Lisa Vares asked how long the project would take once Council approved it. Jim Owens said it was difficult to say because of differences in permitting requirements between the alternatives. There was discussion about the Binford proposal being possibly completed by October 2005 in a best-case scenario.

Consent Agenda Items Discussed

C. Authorize Mayor to Sign Renewal Annual Maintenance Contract for Telemetry and SCADA System.

There were no comments or questions on this item.

D. Authorize Mayor to Sign Second Amendment to Interlocal Agreement with the City of Lake Stevens for Jail Services.

There were no comments or questions on this item.

- E. Approval of Liquor License Renewals for Albertson's #471 (301 Marysville Mall); G.A. Maxwell (1204-3rd St.); Home Plate Pub (9317 State Avenue #B & #C); The Great Northern (8421 State Avenue); Chevron #1103 (1206-4th Street); and Soap and Such Gifts (7511-77th Drive N.E.)**

There were no comments or questions on this item.

- F. Authorize Mayor to Sign Agreement with Choicepoint Business and Government Services, Inc. for Access to Public Record Data Services.**

Councilmember Seibert inquired about use limitations stated in the contract. He had concerns about this impacting the Police Department's efforts. City Attorney Weed thought it shouldn't be a problem, but said he would research it further. Councilmember Leighan asked about the price per usage. Mary Swenson said they would find that out.

Review Bids

57th Place Improvements.

Councilmember Smith asked for confirmation that this included sales tax. Jim Owens indicated that it did.

Public Hearings

- A. Surface Water Comprehensive Plan, Surface Water Utility Rate Study and Hydrologic Modeling/Master Drainage Basin Planning Study.**

Public Works Director Jim Owens outlined the risks of adopting the plan as it relates to development. He noted that there were very few changes. This hearing was held in order to address concerns from Council that adopting this would potentially hamper development. Mr. Owens said that the main priority of the Surface Water Management Plan (SWMP) is regional detention. He noted that the SWMP is based on the DOE 2001 Stormwater Management Manual for Western Washington and the 2000 Puget Sound Water Quality Stormwater Management Plan (PSWQMP). He commented that if the SWM Plan is approved it would provide for a continuous revenue stream.

Key Points of the SWM Plan were:

- "Forested or Existing"
- County DNR Study recommended single detention facility for "flow attenuation"
- City's Feasibility Study addresses requirement for "on-site detention"
- Downstream conveyance enhancements also recommended in the County's DNR were the culverts under 136th Street NE and under BNSF R/R tracks.
- Infiltration of roof drainage on-site to recharge ground water may reduce costs.
- Need to evaluate downstream.

- Drainage District #5
- Otak's feasibility study should greatly help in reducing the time and cost for the proposed Marysville Master Drainage Basin Plan for the Smokey Point Area.
- Lower long-term maintenance costs would be achieved with a regional detention solution.

Councilmember Seibert wondered if adopting the Plan would help the City move forward with development. Jim Owens indicated that it would. He noted that the DOE Manual is embedded in the Plan with increased requirements, but he added that implementation is the key, not necessarily what is in the manual. He noted that if the rates are adopted, the necessary funds will be provided to do the required upgrades. Councilmember Seibert next asked about the roof drainage criteria. He didn't think that every roof would qualify. Jim Owens agreed. He said that membrane or steel roofs would probably qualify, but not any roof containing petroleum products such as asphalt.

Councilmember Suzanne Smith asked if they would be approving the rates if they approved the Plan. Mr. Owens indicated that she was correct. He then referred to a graph in the packet comparing Marysville's rates with other communities. Councilmember Smith then inquired about funding. Mr. Owens commented that the rate study was built looking at the Capital Improvements Study as a standard. The rate increases would not accommodate the full amount. Mary Swenson then added that the public-private partnership would be desirable for that reason. Randy Brower noted that the Master Drainage Study also looked at ways to fund. Councilmember Mike Leighan brought up the issue of areas that are exempt in the County such as schools and mobile home parks. Randy Brower noted that they would need to reevaluate the issue in three years to decide how to address those issues. In the meantime, adoption of the Plan will adopt the County's current standards.

Councilmember Smith discussed her prior concern about citizens funding development in the north end because she felt that growth should pay its own way. She commented that she was more comfortable with this than with the earlier plan.

B. Stormwater Code Revisions.

Gloria Hirashima, Community Development Director, discussed the proposed revisions. She noted that the three key changes were the setback provision; the background computations for sizing drainage facilities; and using 3 feet instead of 5 feet. She said that the basis for making the changes was a compromise in providing for more stringent standards and regulations while making provisions to allow projects to progress.

Councilmember Seibert had questions about:

- Page 3, #17 – What does the slower rate become? Ms. Hirashima said that it was only a definition change and the rate was determined elsewhere.
- Page 4, #27 – What is the definition of "effective impervious"? Randy Brower explained this.

- Page 9, 14.15.030 – Applicability – Who will be approving? Ms. Hirashima indicated that it would be a joint review by Public Works and/or Community Development as appropriate, the “Public Works Director designee”.
- Page 14, #7 – Excavation – Safety issue with piling dirt on the uphill side of trench.
- Page 2 and Page 10 – Inconsistencies in whether the Manual or the Chapter would apply. Ms. Hirashima said she would look into that.
- Page 32, #3 – Suggested adding verbiage saying that this would not set a precedent and should be viewed on a case-by-case basis. Mr. Weed thought this would be a good idea.
- Make it clearer that the applicant would still need to meet requirements by other agencies.
- Adjustments – Not comfortable with the broad discretionary decisions by the director. He felt this might not be appropriate in the future and that Council should be notified and other staff members should need to sign off.

Councilmember Leighan then commented on the following:

- Page 1, 14.15.050 – He had concerns about saying they would be adopting the Manual as a technical reference manual. Gloria Hirashima concurred and said it should say “2001 Manual”.
- Council should be notified. Staff should not be allowed to administratively adopt amendments. There was discussion about the process for staff to make recommendations for changes.
- Page 10, 14.15.040 – Section 1:1. Felt this was too vague and should be stricken. Kevin Nielsen, Interim Assistant City Engineer, explained the intent of this portion of the Manual.
- Page 10, 2B, Item 1 – Discussion about the definition of “replaced” and whether or not this would cover a building which had been burned down. Ms. Hirashima thought it was a good point. She said she would look at redevelopment thresholds.

Mayor Weiser thanked everyone from the Public Works Department for attending the work session.

Current Business

Council Support for PEG/I-Net Fee in Conjunction with Cable Franchise Renegotiations.

Mary Swenson introduced Bob Duchon who is helping with negotiations with Comcast. Mr. Duchon discussed what the cable companies are willing to do and not willing to do. He noted they are less willing to give capital grants to cities. They are willing to come in to negotiate per subscriber amount that the cable company can line item on a customer account. This amount would then be remitted to the City to be used to fund the project. The amount of this fee would depend on the needs of the individual city. He noted that Doug Buell, Community Information Officer, has come up with a necessary equipment list. Mr. Duchon noted that these fees would apply to capital only, not operational fees. He

said I-net would provide the platform for the City to build communication projects to serve its future needs. Mr. Duchen continued that Comcast has agreed to a per subscriber fee. The City needs to decide if it wants to do this. If it's not agreed to, rates will likely still go up. He asked if the City wanted to take advantage of this opportunity. He said that the fee is very common and noted that Everett does it. They could start out at \$1/month and then bring it down later if desired. Council would have control over this.

Councilmember Leighan asked if part of the cable agreement was that Comcast would supply the City with dark fiber. Mr. Duchen said that this would be at an incremental cost. The City would be responsible for buying the equipment to light up the fiber.

Councilmember Seibert clarified that the dollar could not be used for operational needs. He then said he felt it was important to make sure the City publicizes the fact that the schools will benefit from this. He had a concern that only cable subscribers would be paying for this. Ms. Swenson explained that cable customers do get a direct benefit from the city channel. She expressed concerns that if the fee was not approved by Council, the City's existing equipment would be outdated and it would be dependant on the general fund to fund it.

Motion by Councilmember Wright, second by Councilmember Soriano to extend the meeting by 30 minutes. **Motion** passed unanimously.

Councilmember Seibert then asked if they could install the dark fiber without having the dollar authorized. Bob Duchen said they would, but asked how the City would fund it. Councilmember Seibert next asked about the sites to be included. Mary Swenson indicated that they were looking at ten sites. Doug Buell listed some of them as: Public Works, fire departments, golf course, library, and the new City Hall (Allstate).

Councilmember Smith asked if the City had to collect the dollar if authorized. She suggested some sort of public hearing. Ms. Swenson indicated that there would be a problem with that as they are in the midst of negotiations. Grant Weed explained that Council could authorize up to a dollar in the franchise ordinance, but make it subject to further council action. Bob Duchen agreed that it could be done. He said it could go anywhere from zero to a dollar, however, he had concerns about this capital equipment being needed now at the commencement of the franchise.

Councilmember John Soriano asked if high tech businesses tend to site in cities that have this type of I-net. Mr. Duchen said that he was not sure about that, but he did note that there is a high sensitivity among competitive cities to be wired.

Mayor Weiser asked if residents could tap into the I-net. Mr. Duchen said that does not usually happen because of the sensitivity of the data being transmitted.

With a couple exceptions, the consensus of opinion among the councilmembers seemed to be that the City should authorize the dollar.

Adjourn

Mayor Weiser adjourned the regular meeting at 9:43 p.m. He noted that there was a pending legal issue, a possible real estate matter and a possible personnel issue.


Executive Session

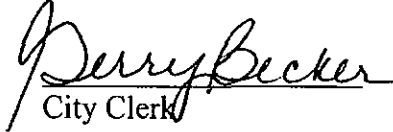
Council went into Executive Session at 9:47 p.m. to discuss one potential litigation, one personnel, and one real estate issue.

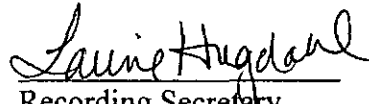
Council reconvened into Regular Session at 10:00 p.m. Motion by Councilmember Seibert, second by Councilmember Nehring to continue the meeting to 10:15 p.m. Motion carried 6-1 with Councilmember Vares against.

Council continued in Executive Session at 10:01 p.m. until 10:12 p.m. at which time they reconvened into Regular Session and adjourned taking no further action.

Approved this 28th day of April, 2003.


 Mayor
 David Weiser


 City Clerk
 Gerry Becker


 Recording Secretary
 Laurie Hugdahl