

## MARYSVILLE CITY COUNCIL WORK SESSION

November 1, 2004

7:00 p.m.

City Hall

## CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

CORRECTED: SEE 11/8/04  
MINUTES

Mayor Kendall called the November 1, 2004 work session of the Marysville City Council to order at 7:00 p.m. at the Marysville City Hall. He then led those present in the Pledge of Allegiance. There was no invocation given.

## ROLL CALL

Chief Administrative Officer Mary Swenson called the roll. The following staff and councilmembers were present.

**Mayor:** Dennis Kendall

**Council:** Mayor Pro Tem Jon Nehring, Jeff Seibert, John Soriano, Jeff Vaughan, Donna Wright.

**Staff:** Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Larry Larson, Public Works Superintendent; Jeff Massie, Assistant City Engineer; Jim Ballew, Parks and Recreation Director; Robert Carden, Chief of Police; Gloria Hirashima, Community Development Director; Corbitt Loch, Administrative Assistant/Economic Development; and Laurie Hugdahl, Recording Secretary.

Mayor Kendall noted the absence of Councilmembers Lee Phillips and Lisa Vares. **Motion** made by Councilmember Vaughan; seconded by Councilmember Wright to excuse the absence of Councilmembers Phillips and Vares. **Motion** passed unanimously (5-0).

## COMMITTEE REPORTS

None.

## PRESENTATIONS

None.

## DISCUSSION ITEMS

*Other Items Scheduled for November 8, 2004 Meeting*

- A. Approval of Minutes.
- B. October 25, 2004 City Council Meeting.
- C. November 1, 2004 City Council Work Session.

**CONSENT AGENDA ITEMS**

- A. Approval of October 27, 2004 Claims.**
- B. Approval of November 3, 2004 Claims.**
- C. Approval of November 5, 2004 Payroll.**
- D. Approval of Liquor License Renewals for Cristiano's Pizza, Etc., J.K. Market, Alfy's Pizza and Pasta, Buzz Inn, Danny's Midway Pub & Grill, Mary's Grocery and Deli, and Haggen Food & Pharmacy #77.**

There were no comments or questions regarding the consent agenda items.

**REVIEW BIDS**

None.

**PUBLIC HEARINGS****A. Lakewood Annexation - 60% Annexation Petition.**

Mayor Kendall noted that there would be a hearing next week. There was discussion about having separate sign-in sheets for the two different hearings on November 8.

**B. Proposed 2005 Budget.**

Finance Director Sandy Langdon reviewed a PowerPoint presentation that she will be giving next week at the hearing. (See meeting packet.)

Councilmember Nehring mentioned that he would like to adopt a policy that they not go below 10% of expenditures in reserves except for emergencies. City Attorney Grant Weed indicated he would review other cities' policies regarding reserves.

Councilmember Seibert brought up establishing capital fund reserves as a separate fund. Mary Swenson concurred. Councilmember Seibert also indicated he would like to establish a policy regarding how to administer I/NET funds. Sandy Langdon noted that Doug Buell is contacting other cities to see how they do it.

Councilmember Nehring commented that he felt the honor guard was an important item and asked about the cost. Chief Carden responded that it would be around \$8,000. Councilmember Nehring said he would like to proceed with some sort of fund-raising for this. Mary Swenson noted that she and Chief Carden would look into that.

Mayor Kendall commended Sandy Langdon for a fine job on the budget preparations and presentation.

**CURRENT BUSINESS**

None.

**NEW BUSINESS****A. Interlocal Agreement with Snohomish County; 67th Avenue NE Pavement and Watermain.**

Jeff Massie noted that this agreement would be for design only. Councilmember Jeff Seibert asked Gloria Hirashima about the UGA boundary. She replied that it went to 108<sup>th</sup>. Councilmember Soriano asked how the "15% Admin/Overhead to Marysville as Lead Agency" fees worked. Jeff Massie explained that this generally would cover staff time and would be paid to Marysville.

**B. Robinett Annexation; PA 04009.**

Gloria Hirashima explained that the applicant is requesting that the City waive the requirement for the petition.

**C. Motorized Scooter Citizens Advisory Recommendations.**

Councilmember reviewed the results of the Citizens Advisory Committee and the proposed ordinance. Joe Shipp, a member of the committee, was in the audience to answer questions.

- Councilmember Seibert brought up the issue of muffler requirements. There was discussion about the challenges of enforcing decibel-related limits. Grant Weed explained that the current noise ordinance refers to a limit that is "reasonably noisy to a person of normal sensitivity." Most cities have such a standard.
- Chief Carden then discussed the police department's ability to impound an item for 30-days. Grant Weed added that there is no process for appeal in the current ordinance.
- Councilmember Wright had concerns about allowing the scooters at night. For safety reasons she preferred that they not be allowed after dark.
- Councilmember Wright noted her support of requiring an approved motorcycle helmet. There was significant discussion about requiring either a bicycle or a motorcycle helmet. Motorcycle helmets are safer at higher speeds, but they are more costly, which might limit compliance. Most children already have bicycle helmets. Ms. Swenson commented that WCIA does not recommend having a helmet requirement because it is so difficult to enforce. Grant Weed concurred that it would be better for the City not to have mandatory helmet requirements. He noted that it would put the City at liability risk if not enforced.
- Councilmember Nehring thanked Jeff Vaughan and the committee for addressing this issue. He pointed to the two major concerns related to scooters: noise and safety, especially at high speeds and at night. He asked what kind of difference reflectors would make at night. Joe Shipp explained that the scooter would have a light in front, similar to a bicycle light. The back would have a light and a reflector.

Councilmember Seibert noted that he was not in favor of the light requirement. He asked Councilmember Soriano what kinds of recommendations were included from the manufacturer upon purchase of a scooter. Councilmember Soriano responded that it differed, but the one he was familiar with recommended a helmet and for the person to be at least 15 years of age.

- Regarding the 30-day impound, Councilmember Seibert asked if the onus was on the citizen to pick it up. Grant Weed replied that it would be and that after 60 days it would go into unclaimed property.
- Mayor Kendall expressed concern about the verbiage "direct verbal supervision". He stated that it might not be possible in some circumstances, such as in a cul-de-sac. Councilmember Vaughan explained that this was language from the Snohomish ordinance. Grant Weed elaborated that what constitutes "supervision" can be vague. "Direct visual supervision" is much more specific.
- Mayor Kendall also expressed concern that a child of any age would be able to ride a scooter. Joe Shipp added that the state is lumping this into the category of a bicycle. Bicycles can be ridden by a child of any age. Councilmember Soriano agreed that this language would put some responsibility on the parents.

#### **D. Property Tax Ordinances.**

Currently there is a 0% levy increase proposed. There was consensus to also draft an option with 1%. Councilmember Seibert expressed concerns about having too much in the banked amount for future councils to have access to. He wondered if there was some way not to bank the amount not taken. Sandy Langdon indicated she would look into this.

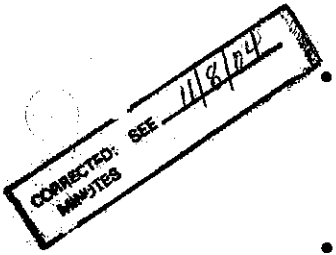
#### **E. Kimberly – Clark Deep Water Outfall Purchase Option.**

Grant Weed summarized the history of the Kimberly-Clark Deep Water Outfall Purchase Option Agreement. He noted that if Council wished to exercise the option to purchase the additional 10MGD, they would need to amend the original agreement to make the payment due in two installments and to correct the amount. They also would need to execute an agreement to take the additional 10MGD. Sandy Langdon confirmed that this amount is budgeted. There was discussion about other costs that would be shared by the City. This information will be coming to Council next week. Councilmember Seibert asked how long the additional 10MGD would last the City. Larry Larson responded that it would last through 2025 and possibly longer depending on the permit process.

### **LEGAL**

#### **ORDINANCES AND RESOLUTIONS**

- A. An Ordinance of the City of Marysville Adding a New Chapter to the Marysville Municipal Code Entitled "Motorized Scooters" to Regulate Motorized Foot Scooters within the City by Establishing Minimum Age Requirements for Operators, Limiting and/or Prohibiting Motorized Foot Scooter Use on Sidewalks, Streets, and in Parks, Trails, and Walkways and Regulating Such Use During the Hours of Darkness and Establishing Severability.**



See above under New Business.

- B. An Ordinance of the City of Marysville Levying EMS Taxes Upon All Property Real, Personal and Utility Subject to Taxation Within The Corporate Limits of the City of Marysville, Washington for the Year 2005.**

See above under New Business.

- C. An Ordinance of the City of Marysville Levying Regular Taxes Upon all Property Real, Personal and Utility Subject to Taxation Within the Corporate Limits of the City of Marysville, Washington for the Year 2005.**

See above under New Business.

- D. A Resolution of the Marysville City Council Enacted in Accordance with the Provisions of MMC 2.12.030 Adopting a Comprehensive Emergency Management Plan for the City of Marysville, Washington.**

Grant Weed recommended striking the word "temporarily".

- E. A Resolution of the City of Marysville Recognizing the Merits of Funding Support of the Snohomish County Master Gardeners Program.**

Councilmember Seibert stated that he felt there were more important issues to address with the County. He felt that the City needs to prioritize issues such as the transfer of property taxes, road mitigation fees, parks mitigation fees, and the ability of sewer districts to be formed in the UGA. Councilmember Wright suggested having a meeting with the County Council to address those issues. Councilmember Vaughan concurred with Councilmember Seibert. Jim Ballew discussed the amount contributed by the County and how those funds are used.

## **INFORMATION ITEMS**

### **Mayor's Business**

Mayor Kendall informed Council of a joint public works meeting with Snohomish County Public Works on Friday at 2:30 p.m. in Everett. He commented that he had been at Comeford Park with the Morning Sunrise Rotary Club for the beginning of construction of the new gazebo. It is coming along well and should be ready for Merrysville for the Holidays.

**Staff Business**

**Robert Carden** had no comments.

**Jeff Massie** had no comments.

**Corbitt Loch** explained that they had learned of a local business looking to expand outside the City. They will be meeting with them to work to keep them here.

**Larry Larson** announced that Snohomish County Council would be raising tipping fees. There is an Everett Water Utility meeting on Thursday to establish a connection fee (may be as high as 5%).

**Gloria Hirashima** had no comments.

**Grant Weed** discussed the implications of I-892. The City could prohibit the type of devices that I-892 allows, but could not regulate them.

**Mary Swenson** had no comments.

**Sandy Langdon** had no comments.

**Call on Councilmembers**

**Jeff Seibert** commented on how nice State Avenue is. He asked about the wreath purchase program. Jim Ballew explained that they are putting it on hold for this year.

**Jon Nehring** brought up the logo issue. He referred to public comments he had received stating that they were not satisfied with the selection. He discussed the possibility of revisiting the contract with the consultants. He noted issues related to both technical aspects and the design of the logo. Mary Swenson agreed that it might be a good idea to have another look at it. She expressed a concern voiced by Corbitt Loch that nothing in the logo encouraged new business to relocate here. Jim Ballew discussed the contractual obligations of Rusty George and their ability to address the technical issues. Councilmember Seibert agreed that the logo was a compromise, but that no one was overjoyed with it. Jim Ballew agreed that it might be a good idea to revisit the issue.

**John Soriano** had no comments.

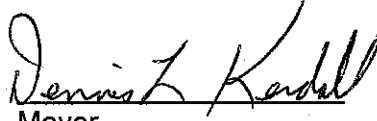
**Jeff Vaughan** announced that he will be having surgery on Thursday and might have some difficulty attending the meeting on Friday.

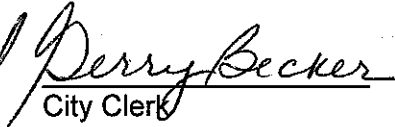
**Donna Wright** announced that she would be out of town at the next meeting.

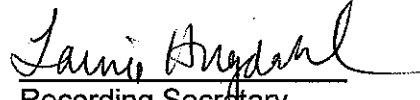
**ADJOURNMENT**

Seeing no further business, Mayor Kendall adjourned the work session at 9:15 p.m.

Approved this 8<sup>th</sup> day of November, 2004.

  
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Mayor  
Dennis Kendall

  
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City Clerk  
Gerry Becker

  
\_\_\_\_\_  
Recording Secretary  
Laurie Higdahl