

000438

Marysville City Council
7:00 p.m.**ORIGINAL**

November 8, 2004

City Hall

| | |
|---|---------------------------|
| Call to Order/Invocation/Pledge of Allegiance/Roll Call | 7:00 P.M. |
| Roll Call | |
| Excuse the Absence of Councilmember Vares and Wright. | Approved |
| Approve of Minutes | |
| Approval of October 25, 2004 City Council Meeting Minutes. | Approved |
| Approval of November 1, 2004 City Council Work Session Minutes. | Approved |
| Approval of October 26, 2004 Budget Workshop Minutes. | Approved |
| Approval of October 28, 2004 Budget Workshop Minutes. | Approved |
| Consent Agenda | |
| Approval of October 27, 2004 Claims in the Amount of \$992,712.85; Paid by Check No. 18491 through 18597. | Approved |
| Approval of November 3, 2004 Claims in the Amount of \$614,046.62 Paid by Check No. 18598 through 18745. | Approved |
| Approval of Liquor License Renewals for Cristiano's Pizza, Etc. J.K. Market, Alf's Pizza and Pasta, Buzz Inn, Danny's Midway Pub & Grill, Mary's Grocery and Deli, and Haggen Food & Pharmacy #77. | Approved |
| Approval of Interlocal Agreement with Snohomish County; 67th Avenue NE Pavement and Watermain. | Approved |
| Approval of Robinett Annexation; PA 04009. | Approved |
| Approval of Lake Stevens Interlocal Jail Services Agreement Renewal. | Approved |
| Public Hearings | |
| Approval of Lakewood Annexation. | Approved |
| Approval of 2005 Budget. | Approved |
| New Business | |
| Approval of Ordinance Regarding Motorized Scooters. | Approved |
| Ordinances and Resolutions | |
| Approval of 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. | Approved Ord. No.2544 |
| Approval of 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. | Approved Ord. No. 2545 |
| Approval of 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. | Approved Ord. No. 2546 |
| Approval of an Ordinance of the City of Marysville, Washington Amending MMC 12.02A.090(5) Relating to Street Frontage Improvements and Authorization of Mayor to Review, Execute and Sign Contracts for Deferred Construction of Curbs, Gutters and Sidewalks Pursuant to This Chapter. | Approved Ord. No. 2547 |

November 8, 2004

Marysville City Council
7:00 p.m.

000439

City Hall

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| Approval of an Ordinance of the City of Marysville Adopting a Budget for the City of Marysville, Washington, for the Year 2005 and Setting Forth In Summary Form the Totals of Estimated Revenues and Appropriations For Each Separate Fund and the Aggregate Totals of All Such Funds Combined. | Approved Ord. No. 2543 |
| Approval of 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. | Approved Res. No. 2131 |
| Approval of a Resolution of the City of Marysville Recognizing the Merits of Funding Support of the Snohomish County Master Gardeners Program. | No Action Taken |
| Information Items | |
| Staff Business | |
| Authorization of the Transmission of the Lakewood Annexation Petition to the Snohomish County Boundary Review Board for Review. | Approved Res. No. 2132 |
| Adjournment | 10:00 P.M. |
| Executive Session | 10:05 P.M. |
| Accept settlement agreement and Change Order No. 4 to State Avenue Sewer Trunk Project as discussed in Executive Session. | |
| Adjournment | 10:15 P.M. |

MARYSVILLE CITY COUNCIL MEETING

November 8, 2004

7:00 p.m.

Marysville City Hall

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Dennis Kendall called the November 8 meeting of the Marysville City Council to order at 7:00 p.m. Pastor Jack Richards, Bethlehem Lutheran Church led the invocation. Mayor Kendall then led those present in the Pledge of Allegiance.

ROLL CALL

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

Mayor Dennis Kendall

Council: Mayor Pro Tem Jon Nehring, Lee Phillips, Jeff Seibert, John Soriano, and Jeff Vaughan.

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

Motion made by Councilmember Soriano; seconded by Councilmember Vaughan to excuse the absence of Councilmembers Wright and Vares. **Motion** passed 4-0 with Councilmember Phillips abstaining.

COMMITTEE REPORTS

None.

PRESENTATIONS**A. 2004 Municipal Water Protection Award - Pacific Northwest Clean Water Association.**

Jeff Massie, Assistant City Engineer, announced that Marysville was awarded the 2004 Municipal Water Protection Award from the Pacific Northwest Clean Water Association.

AUDIENCE PARTICIPATION

Mayor Kendall solicited audience participation on any items not already on the agenda.

Zoe Hallgren, 7711 – 59th Avenue NE, Marysville, WA 98270.

Ms. Hallgren displayed the 2005 Historical Society calendars, which are now on sale. The price is \$10 each or two for \$15.

DISCUSSION ITEMS

None.

APPROVAL OF MINUTES.**A. October 25, 2004 City Council Meeting.**

1. Councilmember Seibert referred to page 3 under Approval of Minutes for the October 11, 2004 City Council Meeting. He asked to clarify that he had asked why public comment was allowed ***“on a Comprehensive Plan Amendment that had a zoning change.”***
2. Page 4, New Business – This should read that the motion was defeated (2-4) (not 2-3).
3. Page 6, bottom of page – Councilmember Carden should be ***“Chief Carden.”***

Motion made by Councilmember Nehring; seconded by Councilmember Vaughan to approve the minutes as amended. **Motion** passed unanimously (5-0).

B. November 1, 2004 City Council Work Session.

Councilmember Seibert referred to the top bullet on page 4. He stated that he had meant that he was not in favor of allowing them in darkness, but was in favor of requiring lights if they are allowed.

Motion made by Councilmember Soriano; seconded by Councilmember Nehring to approve the November 1, 2004 Work Session minutes as amended. **Motion** passed 4-0 with Councilmember Phillips abstaining due to his absence at that meeting.

C. October 26, 2004 Budget Workshop.

Motion made by Councilmember Vaughan; seconded by Councilmember Soriano to approve the minutes as presented. **Motion** passed unanimously (5-0).

D. October 28, 2004 Budget Workshop.

Motion made by Councilmember Nehring; seconded by Councilmember Vaughan to approve the minutes as presented. **Motion** passed unanimously (5-0).

CONSENT AGENDA ITEMS

- A. Approval of October 27, 2004 Claims in the Amount of \$992,712.85; Paid by Check No. 18491 through 18597.
- B. Approval of November 3, 2004 Claims in the Amount of \$614,046.62 Paid by Check No. 18598 through 18745.
- C. 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.
- D. Interlocal Agreement with Snohomish County; 67th Avenue NE Pavement and Watermain.
- E. Robinett Annexation; PA 04009.
- F. Lake Stevens Interlocal Jail Services Agreement Renewal.

Mayor Kendall solicited audience comments on the Consent Agenda Items. There were none. He then asked Council if there were any comments or questions regarding these items. There were none.

Motion made by Councilmember Vaughan; seconded by Councilmember Seibert to approve Consent Agenda Items A-F. **Motion** passed unanimously (5-0).

REVIEW BIDS

None.

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

Public Comment:

Todd Duitsman, 2124 172nd Street NE, Arlington, WA.

Mr. Duitsman stated that he was in favor of the annexation into Marysville. He expressed his opinion that the whole area should be zoned commercial.

Mary VanEss, 13722 – 47th Avenue West, Edmonds, WA 98026.

Ms. VanEss stated that she and her husband own five acres in the proposed annexation area. She is in support of the annexation and also of the Comprehensive Plan for that area.

Jim Ventura, 1227 – 17200 Street NE, Arlington, WA 98223.

Mr. Ventura spoke in favor of the annexation. He felt it was a natural progression for that area.

Todd and Kelly Summers, 2916 – 169th Place NE, Arlington.

Mr. Summers spoke in favor of the annexation.

Jerald Osterman, 16829 – 26th Drive NE #B, Arlington, WA 98223.

Mr. Osterman spoke in favor of the annexation. He reviewed the background of the annexation attempts and the benefits to citizens of annexing into the City.

Bill Binford, 13427 – 179th Avenue NE, Redmond, WA 98052.

Mr. Binford spoke in favor of the annexation. He is under contract for some commercial properties in the area, which will benefit the City. He thanked the City for its cooperation with the TRAP group in working for the 172nd Street overpass improvement project.

Gust Kouyian, 16600 – 25th Avenue NE #43, Arlington, WA 98223.

Mr. Kouyian asked for some clarification about the annexation. Ms. Hirashima discussed the annexation process. Mr. Kouyian asked if taxes would increase. Councilmember Seibert explained that they would actually go down slightly. He then asked if his address would change. He was told that it would eventually change to a Marysville address. He questioned whether the police department would patrol the area. Chief Carden assured him that the Marysville Police Department would be responsible for that area and that they would be doing random patrol in the area.

Elsie Gadway, 16600 – 25th Avenue NE #44, Crystal Tree Village, Arlington, WA.

Ms. Gadway stated she was pleased to have the Marysville police, fire and ambulance services. She asked about property tax discounts for the elderly and disabled. Sandy Langdon explained that it would not change.

Irma Morton, 1930 – 172nd Street NE, Arlington, WA.

Ms. Morton discussed past difficulties with the County's police protection. She spoke in favor of the annexation.

Joel Hylback, 2724 169th Place, Arlington, WA 98223.

Mr. Hylback spoke in support of the annexation. He said he was looking forward to the positive changes and improvements to services.

Becky Foster, 15524 Smokey Point Blvd., Marysville.

Ms. Foster spoke in favor of the annexation. She stated that the Lakewood community has wanted a city for a number of years. The school district especially will benefit from the annexation.

Luralee Welvaert, 17528 – 27th Avenue NE, Arlington.

Ms. Welvaert spoke in favor of the annexation.

Freta Smith, 17526 – 25th Avenue NE and 509 Old Pacific Highway, Olympia, WA.

Ms. Smith represented family members at 2403 – 172nd Street NE. She spoke in favor of the annexation and of general commercial zoning. She thanked the City for its efforts.

Council Discussion:

Mary Swenson commented that they have been working on the Lakewood annexation for several years. The community feeling in that area is very positive and the City is very excited about having Lakewood as a part of Marysville. Councilmember Seibert added that it was very refreshing to see a group in favor of annexation. He thanked everyone for coming to the hearing.

Motion made by Councilmember Seibert; seconded by Councilmember Nehring to approve the annexation. **Motion** passed unanimously (5-0).

B. Proposed 2005 Budget.

Finance Director Sandy Langdon reviewed the proposed 2005 budget. She gave a very detailed and informative PowerPoint presentation on the 2005 Preliminary Operating Budget. When she was finished, Mayor Kendall thanked Ms. Langdon, as well as Denise Gritton, Accounting Manager and all the finance staff for their hard work on this budget.

Public comment:

Zoe Hallgren, 7711 – 59th Avenue NE, Marysville, WA 98270.

Ms. Hallgren asked if the Council had chosen a logo. Mary Swenson explained that they had directed staff to take another look at that issue.

Council Discussion:

Councilmember Nehring commended Sandy Langdon, Mary Swenson and the Mayor for their work on the budget and the spending controls that are in place. He discussed putting a 10% lid on the reserves. He expressed his desire to require a supermajority vote on that if possible. He discussed his optimism about economic development, but also voiced some cautions regarding problems that could arise if revenues do not come in as anticipated. All in all he felt it was a very solid budget.

Councilmember Seibert brought up his concerns regarding the I-Net fees.

- Corbitt Loch stated that he had done some research back to the time when the franchise agreement was approved. He had found that it was clear that the fund was intended for capital improvements. He then discussed how the I-Net fund agreement does allow for this sort of use of the funds. He said that approving the amendments to the agreement would only delay paying back the amount owed. Councilmember Seibert discussed his belief that the customer fee should only be used to pay for the initial installation of the fiber. He said he understood that it could be used for all capital improvements associated with that, but he doesn't believe it was the intent of those that approved it. He felt there should be a policy in place to prevent this type of use of the fund in the future.
- Mary Swenson discussed how the arraignment equipment could be used for staff training. The equipment could also be used for the access channel. She cautioned Council of the need to keep equipment up to date. She referenced past franchise agreements, which had provided separate amounts to be set

aside for equipment for the ongoing benefit of the channel and for providing quality programming.

- Councilmember Phillips warned against having to pay for equipment out of the general fund. He noted that the agreement detailed the ways that this fund can be used and that this fits in. He feels that a great television station would be a clear way of showing what the citizens' dollar is going toward. He spoke in support of keeping the \$1 fee and utilizing it to benefit the access channel.
- Councilmember Nehring discussed the merits of these items, but said he felt it was an accountability issue to the citizens. He did not think the initial intent was to pay for these sorts of things.
- Councilmember Phillips asked City Attorney Grant Weed about amendments to the franchise agreement. Mr. Weed explained that amendments could be made by both parties involved. An amending ordinance could be made at any time as long as it is consistent with the contract.
- After further review of the agreement, Councilmember Seibert suggested notifying Comcast of the City's possible intentions and discussing this at a later time. Councilmember Phillips agreed.

Councilmember Vaughan asked about the business license fee. Mary Swenson reviewed the history of the business license. She noted that the fee in Marysville covers the cost of services. Councilmember Vaughan was concerned about the message it might send to business owners. He would rather see a tiered system where businesses that have a bigger impact on the City pay more.

Councilmember Soriano thanked the department heads and the staff for the budget. He had some questions about how the yearly County assessment of property taxes would affect the graph. Ms. Langdon stated that it should be smoother.

Councilmember Seibert expressed appreciation at the job staff has done to streamline the budget process.

Mary Swenson commended the department heads for their preparation of the budget.

Motion made by Councilmember Nehring; seconded by Councilmember Seibert to approve Ordinance No. 2543 adopting the 2005 budget. **Motion** passed unanimously (5-0).

Mary Swenson commended the finance department for their excellent work. There was a round of applause.

CURRENT BUSINESS

None.

NEW BUSINESS**A. Motorized Scooter Citizens Advisory Recommendations.**

Janice Baldwin, 4409 – 148th Street NE

Ms. Baldwin stated that she felt an age limit should be set on the ordinance.

Councilmember Vaughan discussed the committee's recommendations. He noted that the main issues Council had had were regarding the type of head protection required. He added that anybody under the age of sixteen must be under direct visual supervision of a parent or guardian. He pointed out that that the two ordinances in Council's packets were identical except the verbiage concerning head protection.

Councilmember Seibert had concerns that by requiring motorcycle helmets there would be more people that would not comply. He would rather see a bicycle helmet than no helmet. He asked about some of the rules of the road referenced on the ordinance. Councilmember Vaughan explained how they would use the crosswalk to cross traffic to avoid having to get in a left turn lane. Chief Carden added that scooters would generally ride on the right hand side of the road like bicycles with a few exceptions. Councilmember Seibert then noted that "arterial streets" might be an issue that needs education. Chief Carden agreed that this would be needed.

Councilmember Soriano expressed appreciation for the work that had been done on this. He spoke in favor of Option B, which allows the use of bicycle or motorcycle helmets and which will result in more compliance.

Motion made by Councilmember Vaughan; seconded by Councilmember Soriano to approve Ordinance 2544, Option B allowing both types of headgear regarding motorized scooters. **Motion** passed unanimously (5-0).

Councilmember Seibert suggested a public announcement about this. Councilmember Vaughan concurred.

There was a recess from 9:00 to 9:05 p.m.

B. Kimberly - Clark Deep Water Outfall Purchase Option.

Kevin Nielsen reviewed maps, which showed all phases of the Marysville construction and the associated costs. Grant Weed discussed the steps required by Council. Mr. Nielsen explained that Public Works is recommending this without hesitation. Without the additional capacity the City would not be able to grow to full build-out in the UGA.

Motion made by Councilmember Seibert; seconded by Councilmember Soriano to authorize the Mayor to sign the Option Agreement Amendment #1. Motion passed unanimously. **Motion** passed (5-0).

Motion made by Councilmember Seibert; seconded by Councilmember Vaughan to authorize the Mayor to sign the Contract for Purchase of Capacity. **Motion** passed unanimously (5-0).

LEGAL

None.

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.

- 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.**

Motion made by Councilmember Nehring; seconded by Councilmember Vaughan to approve Ordinance No. 2545 regarding the EMS levy. Motion passed unanimously (5-0).

- 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.**

Sandy Langdon reviewed the two options presented to Council: Option A (0% increase, 1% banked) and Option B (1% increase in property taxes).

- Councilmember Seibert asked if they had to bank the 1% if they chose not to take it. Ms. Langdon responded that it could be deleted if Council chose.
- Councilmember Soriano spoke in favor of banking the 1% if the Option A was approved.
- Mary Swenson felt strongly that the 1% should be taken especially due to the Lakewood annexation. If Council chose not to take the 1%, she felt it should at least be banked in the event that it might be needed in an extreme situation in the future.
- Councilmember Vaughan was not in favor of taking the 1% increase on property taxes. He shared concerns about banking the 1% because of concerns about future councils' option to raise taxes. He was not in favor of banking or increasing the property taxes.
- Councilmember Phillips spoke in favor of Option A and banking the 1%.
- Councilmember Nehring was not in favor of banking or taking the 1%. He noted that property taxes go up anyway as a result of regular assessments.
- Councilmember Seibert expressed concerns about having too much banked for future councils to use. He was in favor of no bank.

- Councilmember Soriano asked Grant Weed about legislation being done to wipe out banked capacity. Mary Swenson responded that Tim Iman is working on this.
- Councilmember Vaughan noted that they have already increased utility rates. This is an opportunity to show citizens that Council is being prudent.
- Grant Weed discussed the possible verbiage that would amend Option A to not bank the 1%. He noted that as long as no percent is referenced, it would not bank.

Motion made by Councilmember Seibert; seconded by Councilmember Vaughan to adopt Option A relating to property tax, as revised which indicates no increase and no bank. **Motion** passed 3-2 with Councilmembers Phillips and Soriano voting against.

D. An Ordinance of the City of Marysville, Washington Amending MMC 12.02A.090(5) Relating to Street Frontage Improvements and Authorization of Mayor to Review, Execute and Sign Contracts for Deferred Construction of Curbs, Gutters and Sidewalks Pursuant to This Chapter.

Motion made by Councilmember Seibert; seconded by Councilmember Nehring to adopt Ordinance No. 2547. **Motion** passed unanimously (5-0).

E. An Ordinance of the City of Marysville Adopting a Budget for the City of Marysville, Washington, for the Year 2005 and Setting Forth In Summary Form the Totals of Estimated Revenues and Appropriations For Each Separate Fund and the Aggregate Totals of All Such Funds Combined.

See above.

F. 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.

Motion made by Councilmember Vaughan; seconded by Councilmember Nehring to approve Resolution 2131. **Motion** passed unanimously (5-0).

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

Councilmember Seibert stated his opposition to this. Although he feels it is an important program, he felt it was of minor significance in relation to other issues the County is dealing with. Councilmembers Soriano, Nehring and Vaughan concurred.

Councilmember Vaughan added that this type of program could be taken care of in other ways if it should lose funding. There was no motion.

INFORMATION ITEMS

Mayor's Business

Mayor Kendall thanked staff, especially Sandy Langdon and her staff, and the department heads for their efforts on the budget. He noted he would be a guest at the

high school for the Navy ROTC program. He then reminded Council of the Lt. Governor's hearing on the proposed racetrack at Marysville Pilchuck High School.

Staff Business

Corbitt Loch had no comments.

Kevin Nielsen commented that an executive session was needed.

Jim Ballew had no comments.

Gloria Hirashima reported that the Planning Commission is continuing to workshop the Comprehensive Plan. There will be a joint Planning Commission/City Council meeting next Tuesday, November 16th. The Marysville Town Center mall recently changed hands. She and some of the planning commissioners were able to meet with the new owner's representative this weekend to discuss the City's vision plan for that area.

Grant Weed:

1. Noted that action was still needed by Council regarding the Lakewood annexation resolution.

Motion made by Councilmember Nehring; seconded by Councilmember Seibert to approve Resolution 2132 authorizing the transmission of the annexation petition to the Snohomish County Boundary Review Board for review. **Motion** passed unanimously (5-0).

2. He attended a very informative mandatory seminar and training for WCIA cities in Issaquah last week.
3. An executive session was needed to discuss potential litigation.

Mary Swenson commented that:

- A presentation regarding the race day traffic report is forthcoming.
- The Governmental Affairs meeting with Arlington date has changed.
- She thanked Chief Carden for his work on the Emergency Plan.
- She was pleased with the positive feedback from the Lakewood annexation hearing.

Sandy Langdon thanked Council and staff for working through the budget. She noted that it had taken a lot of teamwork.

Chief Carden discussed residential parking passes for the downtown area. He has been working with Jeff Massie on this. They have recently heard from downtown merchants who are not in favor of this so will be doing some more study on the issue.

Call on Councilmembers

Jon Nehring had no comments.

Jeff Seibert:

1. Asked about the traffic issue in the Sunnyside area. Kevin Nielsen responded that they have installed temporary speed humps and will be putting out counters again to see if it is helping.
2. Asked about the REET dollar issue. Mary Swenson replied that they will bring this back to Council at a later date.
3. Also was pleased with the annexation hearing.
4. Thanked staff for all the work on the budget.
5. Referenced a letter he received regarding noise pollution. He was not sure what it pertained to and it did not have a return address. Several councilmembers had received the same information.

John Soriano concurred with the excellent work on the budget. He asked about a HUD meeting he had received information about. Gloria Hirashima explained what this was regarding.

Jeff Vaughan asked if the light on the flagpole was operational. Mary Swenson indicated they would check on that.

Lee Phillips thanked Sandy Langdon, staff and department heads for the budget.

ADJOURNMENT

Mayor Kendall thanked all the employees of the City for working together as a team to complete the budget. He thanked Council for supporting the staff. He then recessed into Executive Session at 10:00 p.m.

EXECUTIVE SESSION

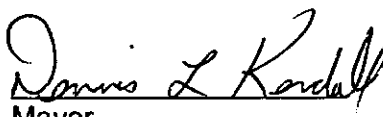
Council met in Executive Session at 10:05 p.m., discussed one litigation issue and reconvened into Regular Session at 10:15 p.m.

Motion by Councilmember Phillips, second by Councilmember Seibert to accept the settlement agreement and change order No. 4 to the State Avenue sewer trunk project. Motion carried unanimously (5-0).

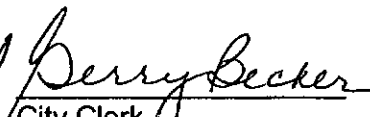
ADJOURNMENT

Mayor Kendall adjourned the November 8, 2004 at 10:16 p.m.

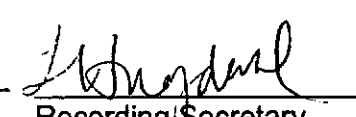
Approved this 22nd day of November, 2004.



 Mayor
 Dennis Kendall



 City Clerk
 Gerry Becker



 Recording Secretary
 Laurie Hugdahl

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 Haggan 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 108th. 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.

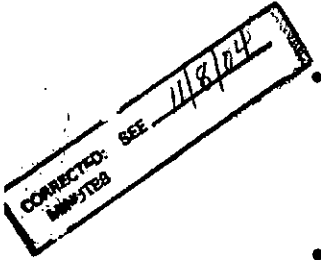
B. Robinett Annexation; PA 04009.

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.

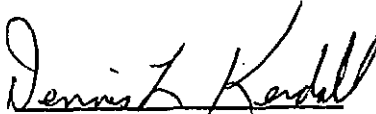
Jeff Vaughan announced that he will be having surgery on Thursday and might have some difficulty attending the meeting on Friday.

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

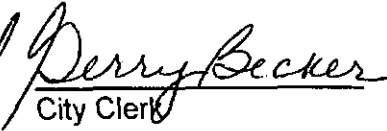
ADJOURNMENT

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

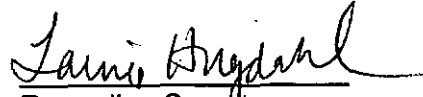
Approved this 8th day of November, 2004.



Mayor
Dennis Kendall



City Clerk
Gerry Becker



Recording Secretary
Laurie Higdahl