

**ORIGINAL**

000039

**MARYSVILLE CITY COUNCIL WORK SESSION**

**February 7, 2005**

**7:00 p.m.**

**City Hall**

**CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Jon Nehring called the February 7, 2005 Work Session of the Marysville City Council to order at 7:00 p.m. He then led those present in the Pledge of Allegiance. There was no invocation.

**ROLL CALL**

Chief Administrative Officer Mary Swenson called the roll. The following staff and council members were noted as being present.

**Mayor Pro Tem:** Jon Nehring

**Council:** Lee Phillips, Jeff Seibert, John Soriano, Lisa Vares, Jeff Vaughan and Donna Wright.

**Staff:** Mary Swenson, Chief Administrative Officer; Grant Weed, City Attorney; Sandy Langdon, Finance Director; Gloria Hirashima, Community Development Director; Robert Carden, Police Chief; Kevin Nielsen, City Engineer; Patrick Gruenhagen, PE, Project Manager; and Laurie Hugdahl, Recording Secretary.

Mayor Pro Tem Nehring commented that Mayor Kendall was in Washington DC for the BRAC meeting.

**COMMITTEE REPORTS**

Mayor Pro Tem Nehring solicited committee reports.

Councilmember John Soriano reported on the January 27 **Public Safety Committee** meeting.

- Chief Carden had discussed some services that could be cut back in order to provide some cost-savings. He will be bringing that list to Council soon.
- Sgt. Wade and Sgt. Dreyer have been covering the Citizens Police Academy training. There will be a class graduating at the next Council meeting. There was also discussion about holding a Teen Citizens Academy in March.
- There will be a police department inspection ceremony in March.
- Marla Ringen reported that false alarm calls were down last year.
- Commander Robb Lamoureux reported that overtime was also down last year.

- Councilmember Donna Wright shared information regarding emergency shelter for the elderly.

**PRESENTATIONS**

None.

**DISCUSSION ITEMS**

None.

**OTHER ITEMS SCHEDULED FOR FEBRUARY 14, 2005 MEETING****A. Approval of Minutes.**

1. *January 24, 2005 City Council Meeting.*
2. *February 7, 2005 City Council Work Session.*

**CONSENT****A. Approval of January 26, 2005 Claims.**

There were no comments or questions regarding this item.

**B. Approval of February 2, 2005 Claims.**

There were no comments or questions regarding this item.

**C. Approval of February 9, 2005 Claims.**

There were no comments or questions regarding this item.

**D. Approval of February 4, 2005 Payroll.**

There were no comments or questions regarding this item.

**E. Approval of Liquor License Renewals for Shell Foodmart #126 (1209 – 4<sup>th</sup> Street.**

There were no comments or questions regarding this item.

**F. Accept the 51<sup>st</sup> Street Lift Station Improvements Project as Complete and Begin 45-Day Lien Filing Period.**

Councilmember Seibert asked Kevin Nielsen if they had determined the cause of the intermittent shut down. Mr. Nielsen explained that the delay switch had been set too short, but this had been corrected. There were no further questions or comments.

**G. Accept Carrol's Creek Sewer Pump Station Project as Complete and Begin 45-Day Lien Filing Period.**

There were no comments or questions regarding this item.

**H. Accept Edward Springs Wells #1 and #3 Rehabilitation Project as Complete and Begin 45-Day Lien Filing Period.**

There were no comments or questions regarding this item.

**I. Approve Visitor and Community Information Center Service Agreement with the Greater Marysville Tulalip Chamber of Commerce.**

Councilmember Seibert asked Finance Director Sandy Langdon if there was an opportunity for some of the money to come from the hotel/motel tax. Ms. Langdon replied that it was a possibility. Mary Swenson clarified that this item had been budgeted.

Councilmember Vaughan pointed to Exhibit A, page 5. He asked which committee the last bullet was referring to. Ms. Swenson replied that it was the Governmental Affairs Committee. Councilmember Vaughan then asked if the City has been receiving the monthly reports. Ms. Swenson stated that they have been getting them and Council should also be receiving copies. She indicated she would check into that.

Councilmember Lisa Vares asked if staff was confident that the City was getting value from this. Ms. Swenson responded that it has been very good communication going back and forth.

**REVIEW BIDS**

**A. Award Professional Services Agreement for Stillaguamish Water Filtration Plant Construction Project; Entranco, Inc.**

Kevin Nielsen clarified that this was not a bid and it should possibly be moved to New Business on the agenda.

Councilmember Seibert noted that there is not normally a management reserve on a PSA, but there is on this one. Mr. Nielsen explained that since this is a new type of filter and there are a lot of unknowns, they wanted to cover their bases.

Councilmember Seibert referred to the "Consultant's Errors and Omissions Liabilities" on page 4. He was pleased to see that section in this agreement. Mr. Nielsen gave the credit to City Attorney Grant Weed.

## **PUBLIC HEARINGS**

### **A. Allen Creek Baptist Church Annexation; PA 04002.**

Gloria Hirashima stated that the hearing would be held on February 14. There were no further comments or questions.

## **CURRENT BUSINESS**

### **A. Northwest Park – Final Plat; PA 03-032**

Ms. Hirashima commented that this had formerly been called Northwest Ridge. They have met all conditions of approval. There were no further comments or questions regarding this item.

### **B. Lakewood Annexation; PA 0105029**

Gloria Hirashima explained they had received the letter back from the Boundary Review Board with no issues so this was back for final adoption. Councilmember Nehring asked about the effective date. Ms. Hirashima responded that it would be effective five days after publication (2/21).

Mary Swenson commented that since this is a substantial area it would be a stretch for the City. She discussed the amount of money that will be needed to make this transition. There will be a new 5-beat configuration utilized by the police department in order to cover this area. They are expecting the need to hire two additional officers and will keep Council informed. Community Development will also need to be staffed appropriately to deal with the additional area. The directors will be meeting soon to do some planning for this and other upcoming annexations in order to strategically move in the right directions.

Other discussion on this matter included:

- Councilmember Nehring asked about taxes the City will receive. Mary Swenson replied that they would receive the utility tax and the road tax.
- Gloria Hirashima added that the entire area will be temporarily zoned R 4.5. They will do an area-wide rezone with the adoption of the Comprehensive Plan.
- Chief Carden commented that they hope to enlist help from the press because of changes in the code in going from county to municipal. They will

be working out the details of this, but want to make sure the citizens are well educated and have time to adjust to the changes.

- Grant Weed commented that this would also have impacts on the courts.
- Sandy Langdon remarked that there would be an impact on sewer fees because the 15% surcharge will go away.

**C. Jordan Annexation; PA 04026**

Gloria Hirashima explained that the petitioners are asking to start over and reset the boundary because they have not been able to get the required 60%. The City had previously expanded the area.

Grant Weed stated that they would need to make it clear to the people in the area that the City is withdrawing its approval for the original boundary and beginning again so there would be no confusion.

Councilmember Seibert commented that he appreciated that they have tried to accomplish this even though they had not been successful.

**NEW BUSINESS**

**A. Professional Services Agreement for Lakewood Sewer Extension Project; Gray & Osborne.**

Kevin Nielsen commented that this would be a fast-track sewer extension for the Lakewood area. He pointed out that they had gotten a very good deal for the design and construction management of this project. Councilmember Seibert noted that Gray & Osborne seem to be very reputable. Mr. Nielsen agreed and stated that they have done excellent work.

**B. 1<sup>st</sup> Street and 4<sup>th</sup> Street Railroad Crossing Agreement; Burlington Northern San Francisco Railroad.**

Mr. Nielsen explained that this was for upgrades at the 1<sup>st</sup> and 4<sup>th</sup> Street railroad crossings. All of the money will be pass-through money.

**C. 2005 Overlay Program; Snohomish County.**

Mr. Nielsen stated that this would take care of the places where it is needed the most. He stressed that this is an estimated amount. There was some discussion about the area to be covered on 71<sup>st</sup> Avenue.

**D. Fund Balance Reserve Policy.**

Sandy Langdon presented a chart comparing other entities' reserve policies. Staff is recommending a 10% reserve policy for general fund revenues.

Councilmember Nehring expressed his support for a supermajority requirement to use any funds below the 10%. He thanked staff for getting that information together.

**E. Change Order #1 for Stillaguamish Water Filtration Plant Project; Zenon Environmental, Inc.**

Kevin Nielsen explained that they had been negotiating with Zenon regarding the additional costs that it claimed were borne from delays to the project schedule. The amount of \$136,300.00 reflects a compromise which staff feels is a fair means of resolving the matter. They are still planning on spring completion (fast-track).

**F. Supplement #7 to Professional Services Agreement for Waste Water Treatment Plant Modifications and Effluent Transfer Pipeline; TetraTech/KMC, Inc.**

Kevin Nielsen explained that there is no additional cost for the construction management services for the Waste Water Treatment Plant. The remainder of the money is for O&M. Councilmember Seibert asked if Everett was ready yet. Mr. Nielsen explained that they are currently testing with Kimberly Clark. Marysville will start testing with them soon.

**LEGAL****A. Avigation Easement; Arlington Municipal Airport.**

City Attorney Grant Weed explained that the City of Arlington was the permitting agency for the filtration plant. The primary purpose of this agreement is to prevent Marysville from interfering with airport operations. Mr. Weed has modified the document via negotiations with Arlington to better serve Marysville. Mr. Weed recommended approval of this version.

Councilmember Seibert asked Gloria Hirashima about the potential for changes in the use permit. Ms. Hirashima responded that it would not be likely. Grant Weed added that the City of Arlington is requiring this of other entities as well. The idea seems to be to keep people in the proximity of the airport from complaining about the noise or other impacts from the airport activities. Councilmember Seibert commented that it would have been nice if they hadn't presented this at the end. Mr. Weed agreed and suggested that it had been overlooked. Kevin Nielsen concurred and noted that there was still much work to be done on the filtration

plant. He believes this was an oversight and appreciates Council's understanding of this.

Councilmember Seibert asked about possible height restrictions in that area. Mary Swenson replied that there are definite restrictions regarding height, size and use. There was discussion about which areas would be impacted. Staff indicated that a map of these areas would be coming to Council.

## **ORDINANCES AND RESOLUTIONS**

### **A. An Ordinance of the City of Marysville Annexing Certain Unincorporated Area Known as the Lakewood Annexation Area into the City of Marysville.**

Discussed above.

### **B. An Ordinance of the City of Marysville, Washington Prohibiting Electronic Scratch Ticket Games and Machines and Amending Ordinance No. 2324 and Chapter 5.26 of the Marysville Municipal Code.**

Grant Weed explained that this ordinance expands upon the City's current ordinance. There is some debate happening in other areas right now as to the degree of authority that cities have to legislate zoning. There is a potential for some changes as a result of this. Councilmember Seibert commented that he is glad to see this.

## **INFORMATION ITEMS**

### **Mayor's Business**

**Mayor Pro Tem Nehring** commented that there would be no Governmental Affairs meeting this week since several members were out of town. He commented that he has not been able to get his e-mail. Sandy Langdon explained that the system has been experiencing difficulty.

### **Staff Business**

**Gloria Hirashima** discussed the Developer Services Breakfast at Cedarcrest Restaurant last week. There was a good turnout. They reviewed the Comprehensive Plan code changes and capital projects.

**Kevin Nielsen** commended the job that Mayor Pro Tem Nehring had done with the meeting in Mayor Kendall's absence. Mayor Pro Tem Nehring returned the compliment.

**Patrick Gruenhagen** had no further comments.

**Mary Swenson:**

- Noted that Fred Gillings had been selected as the new Marysville Municipal Court Judge. This will be coming on the next agenda. Grant Weed commended this selection. He noted that Fred Gillings was an excellent choice and would provide a seamless transition for the City.
- Thanked all the folks involved in helping to obtain the Corps permit for the Waterfront Park.
- Informed Council that the Mayor and Paul Roberts are on a trip to Washington DC.
- Added that she will be out of town and will miss next week's meeting.

**Grant Weed** commented that he would need an Executive Session to discuss two personnel items and two items regarding sale or acquisition of real property. This is estimated to take 30-45 minutes.

**Call on Councilmembers**

**Lisa Vares** asked about the potential for fire district annexation. Mary Swenson responded that they are in the process of getting in touch with the fire chief. Sandy Langdon concurred that they are still trying to communicate with his office.

Ms. Vares then discussed her difficult position as a council representative on the Governmental Affairs Committee with the meetings with Arlington since she is now an employee of the City of Arlington. It was decided that she and Councilmember Vaughan would divide up the Governmental Affairs Committee meetings and he would attend the Arlington meetings in her place.

**Jeff Vaughan** had no further comments.

**Jeff Seibert** discussed a meeting he had with Paul Roberts about the Waterfront Park. He asked about tickets given by non-Marysville officers in Marysville city limits. Grant Weed explained that the parties involved should discuss the situation with the Marysville City Prosecutor.

**Lee Phillips** had no comments.

**John Soriano** thanked Sandy Langdon for the work on the Reserve Fund balance reserve comparisons and recommendation.

**Donna Wright** noted that she had attended Challenge Day last week. It was well represented by Marysville High School students, teachers and advisors and was a very worthwhile event.

CORRECTED: SEE 2-14-05  
MINUTES



**Mayor Pro Tem Nehring** commented on the need to correct the resolution number of the last resolution adopted.

**Motion** made to change Resolution number 2132 to Resolution No. 2133. **Motion** passed unanimously (6-0).

CORRECTED:  
MINUTES  
SEE 2-14-05

**ADJOURNMENT**

Mayor Pro Tem Nehring recessed the meeting into Executive Session at 8:12 p.m. Executive Session was expected to resume at 8:20 p.m and to last 30-45 minutes.

**EXECUTIVE SESSION**

Council met in Executive Session at 8:20 p.m.; discussed two real estate issues and two personnel issues; reconvened into Regular Session at 8:55 p.m.; took no further action, and adjourned.

Approved this 14<sup>th</sup> day of February, 2005.

Dennis Z Kendall  
Mayor  
Dennis Kendall

Gerry Becker  
City Clerk  
Gerry Becker

Laurie Hugdahl  
Recording Secretary  
Laurie Hugdahl