

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
Excuse Absence of Councilmember Lee Phillips	Approved
<b>Presentations</b>	
<b>Approval of Minutes</b>	
Approval of January 20, 2009 City Council Work Session Minutes.	Approved
Approval of January 26, 2009 City Council Meeting Minutes	Approved
<b>Consent Agenda</b>	
Approval of January 21, 2009 Claims in the Amount of \$2,530,288.94; Paid by Check No.'s 52868 through 53007 with no Check No.'s Voided.	Approved
Approval of January 28, 2009 Claims in the Amount of \$631,550.04; Paid by Check No.'s 53008 through 53148 with no Check No.'s Voided.	Approved
Acceptance of the SR 9 Demolition Project to Start the 45-Day Lien Filing Period for Project Closeout.	Approved
Authorize the Mayor to Sign the Supplemental Agreement Number 2 with HDR Engineering at no Additional Cost Amending the Scope of Work and Extending the Time for Completion to June 30, 2009.	Approved
Approval of February 5, 2009 Payroll in the Amount of \$1,324,384.07; Paid by Check No.'s 20917 through 20977.	Approved
Acceptance of the SR 528 (47th Avenue NE to 67th Avenue NE) Road Improvements Project to Start the 45-Day Lien Filing Period for Project Closeout.	Continued
<b>Review Bids</b>	
Award Bid for the Berrywoods Paving Project to Fidalgo Paving and Construction, LLC in the Amount of \$249,153.88 Including Washington State Sales Tax and Approve a Management Reserve of \$10,000 for a Total Allocation of \$259,153.88.	Approved
<b>Public Hearings</b>	
<b>New Business</b>	
Recovery Contract (Sewer) for Freed, LLC in the Amount of \$67,257.33.	Approved Recovery Contract #287
<b>Legal</b>	
Authorize the Mayor to execute the lease with the Marysville Little League.	Approved
<b>Mayor's Business</b>	
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	7:45 p.m.
<b>Executive Session</b>	Held
<b>Litigation</b> – 2 matters concerning pending litigation RCW 42.30.110(1)(i)	
<b>Real Estate</b> – 3 matters concerning real property acquisition RCW 42.30.110 (1)(b)	
<b>Adjournment</b>	8:19 p.m.

# COUNCIL



# MINUTES

## **Regular Meeting** February 9, 2009

### **Call to Order / Invocation / Pledge of Allegiance**

Mayor Dennis Kendall called the February 9, 2009 meeting of the Marysville City Council to order at 7:00 p.m. at Marysville City Hall and led those present in the Pledge of Allegiance.

### **Roll Call**

Chief Administrative Officer Mary Swenson gave the roll call. The following staff and councilmembers were in attendance.

**Mayor:** Dennis Kendall

**Council:** Councilmember Jon Nehring, Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano, Councilmember Jeff Vaughan and Councilmember Donna Wright

**Absent:** Councilmember Lee Phillips

**Also Present:** Chief Administrative Officer Mary Swenson, Finance Director Sandy Langdon, City Attorney Grant Weed, Chief Smith, Community Development Director Gloria Hirashima, Public Works Director Kevin Nielsen, and Assistant Administrative Services Director Tracy Jeffries.

Mary Swenson informed the Council that Councilmember Phillips called and can't make it tonight due to a sick child.

**Motion** made by Councilmember Soriano, seconded by Councilmember Seibert to excuse Councilmember Phillips. **Motion** passed unanimously (6-0).

### **Committee Reports**

Councilmember Seibert reported on the Public Works Committee meeting last week where the following items were discussed:

- Solid waste study is complete. The information will come to Council soon.
- They also reviewed sewer and water connection requirements based on the health department's requirements. This will also be coming forward to Council.

## Presentations

### A. Strawberry Festival Pageant Contestant's Presentation.

Pageant director Jody Hiatt presented the contestants for the Marysville Strawberry Festival April Friesner Memorial Royalty Scholarship Pageant. Each of the following contestants gave a speech to the Council describing their experience, qualifications, and goals:

- Samantha Hall
- Shelby Hintze
- Erinn McPherson
- Jessica LaPlante
- Azzlinn Movales
- Rebecca Thomas

## Audience Participation

Jennifer Burns, 14712 Bothell Way NE, Lake Forest Park, WA 98155 discussed how Lyndon LaRouche's views relate to the current economic crisis.

Joseph Fugate, 13204 37<sup>th</sup> Ave NE, Seattle WA 98125 also discussed the economic crisis in relation to Lyndon LaRouche.

## Approval of Minutes

### 1. Approval of January 20, 2009 City Council Work Session Minutes.

**Motion** made by Councilmember Nehring, seconded by Councilmember Wright to approve the January 20, 2009 minutes as presented. **Motion** passed unanimously (6-0).

### 2. Approval of January 26, 2009 City Council Meeting Minutes.

Councilmember Carmen Rasmussen referred to the bottom of page 1. This should be corrected to read: "**probable** need for shade" rather than "**probably** need for shade".

Also, on the third bullet point of page two the minutes should reflect that the fees for Park Board meetings were being waived for the City facility rental for the Snohomish County Search and Rescue organization.

Councilmember Jon Nehring stated he believed he also congratulated the Mayor and Council members who received Service Awards.

**Motion** made by Councilmember Wright, seconded by Councilmember Rasmussen, to approve the January 26, 2009 minutes as corrected. **Motion** passed unanimously (6-0).

## Consent Agenda

Councilmember Seibert requested that item #6 be removed from the consent agenda.

**Motion** made by Councilmember Soriano, seconded by Councilmember Seibert to approve Consent Agenda items 3,4,7,8, and 12 as follows:

3. Approval of January 21, 2009 Claims in the Amount of \$2,530,288.94; Paid by Check No.'s 52868 through 53007 with no Check No.'s Voided.
4. Approval of January 28, 2009 Claims in the Amount of \$631,550.04; Paid by Check No.'s 53008 through 53148 with no Check No.'s Voided.
7. Acceptance of the SR 9 Demolition Project to Start the 45-Day Lien Filing Period for Project Closeout.
8. Authorize the Mayor to Sign the Supplemental Agreement Number 2 with HDR Engineering at no Additional Cost Amending the Scope of Work and Extending the Time for Completion to June 30, 2009.
12. Approval of February 5, 2009 Payroll in the Amount of \$1,324,384.07; Paid by Check No.'s 20917 through 20977.

**Motion** passed unanimously (6-0).

6. Acceptance of the SR 528 (47<sup>th</sup> Avenue NE to 67<sup>th</sup> Avenue NE) Road Improvements Project to Start the 45-Day Lien Filing Period for Project Closeout.

Councilmember Seibert asked Public Works Director Kevin Nielson if the bump issue had been resolved. Director Nielsen replied that according to their bump analysis, the bump did not pose a problem. Councilmember Seibert disagreed with this. Director Nielsen indicated they would address this with the contractor and review this further. Councilmember Vaughan agreed that there was a problem with the bump in the paving.

Item #6 was removed from the agenda until the bump in the paving can be addressed at which time the item will be brought back to council.

## Review Bids

5. Award Bid for the Berrywoods Paving Project to Fidalgo Paving and Construction, LLC in the Amount of \$249,153.88 Including Washington State Sales Tax and Approve a Management Reserve of \$10,000 for a Total Allocation of \$259,153.88.

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Seibert, to award the bid for the Berrywoods Paving Project to Fidalgo Paving and Construction, LLC in the Amount of \$249,153.88 Including Washington State Sales Tax and Approve

a Management Reserve of \$10,000 for a Total Allocation of \$259,153.88. **Motion** passed unanimously (6-0).

### **New Business**

11. Recovery Contract (Sewer) for Freed, LLC in the Amount of \$67,257.33.

**Motion** made by Councilmember Wright , seconded by Councilmember Soriano, to authorize to the Mayor to sign the Recovery Contract #287 (Sewer) for Freed, LLC in the Amount of \$67,257.33. **Motion** passed unanimously (6-0).

### **Legal**

City Attorney Grant Weed handed out the proposed lease for the Little League facilities that are located where the 10<sup>th</sup> Street School is. The City is now the owner of the property. The school district previously had a lease with Marysville Little League for their use of the fields. He addressed the key points of the lease with council.

Councilmember Nehring expressed his support of this.

**Motion** made by Councilmember Rasmussen, seconded by Councilmember Seibert, to authorize the Mayor to execute the lease with the Marysville Little League for the Cedar Field baseball complex. **Motion** passed unanimously (6-0).

### **Mayor's Business**

Mayor Kendall stated that he and Mary Swenson were in Olympia on Friday to testify regarding the 4-year university. He reviewed the status of this situation.

### **Staff Business**

Kevin Nielson had no comments.

Darin Rasmussen had no comments.

Gloria Hirashima stated that the Qwuloolt project continues to move forward. The Corps of Engineers has taken over the project under federal jurisdiction. They will be responsible for doing a lot of the construction out on the site. They just issued an environmental assessment under the National Environmental Policy Act and have mailed out public notice to nearby properties. The City has an opportunity to comment on the project under the public notice period. Staff has asked the Corps to come do a workshop for staff and consultants. She noted that there is a possibility that the Corps will not go through the City's permitting process.

Sandy Langdon had no comments.

Grant Weed addressed the need to have an Executive Session to discuss five matters – two items concerning pending litigation and three items concerning real property acquisition. No action was expected. The estimated time for the Executive Session was 30 minutes.

Mary Swenson stated that:

- They are getting the meetings scheduled for the Washington DC trip.
- Sim Wilson, former owner and publisher of the *Marysville Globe* and *Arlington Times* and state legislator for 20 years, passed away last weekend.

### **Call on Councilmembers**

Carmen Rasmussen had no comments.

John Soriano had no comments.

Jon Nehring requested an excused absence for next week's meeting.

Jeff Vaughan had no comments.

Donna Wright distributed a single-family resale report for December 2008.

Jeff Seibert had no comments.

### **Adjournment**

Mayor recessed the meeting at 7:45 p.m. for a short break before reconvening into executive session to discuss five matters, two concerning pending litigation and three concerning real property acquisition with no action expected.

### **Executive Session**

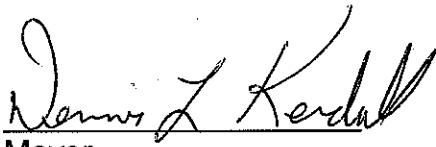
- A. Litigation – 2 matters concerning pending litigation, RCW 42.30.110 (1) (i)
- B. Personnel
- C. Real Estate – 3 matters concerning real property acquisition, RCW 42.30.110 (1) (b)

**Motion** made by Councilmember Nehring, seconded by Councilmember Seibert, to extend the Executive Session by ten minutes. **Motion** passed unanimously (6-0).

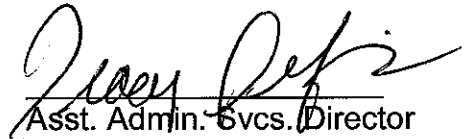
### Adjournment

Seeing no further business, Mayor Kendall adjourned the meeting at 8:35 p.m.

Approved this 23<sup>rd</sup> day of February, 2009.



Mayor  
Dennis Kendall



Asst. Admin. Svcs. Director  
Tracy Jeffries