

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Presentations	
Approval of Minutes	
Approval of December 8, 2008 City Council Meeting Minutes	Approved
Approval of January 5, 2009 City Council Work Session Minutes.	Approved
Consent Agenda	
Approve December 10, 2008 Claims in the Amount of \$869,917.09; Paid by Check No.'s 52022 through 52162 with Check No. 48119 Voided.	Approved
Approve December 17, 2008 Claims in the Amount of \$242,632.40; Paid by Check No.'s 52163 through 52323 with No Check Numbers Voided.	Approved
Approve December 24, 2008 Claims in the Amount of \$989,957.83; Paid by Check No.'s 52324 through 52493 with No Check No.'s Voided.	Approved
Approve December 31, 2008 Claims in the Amount of \$1,423,270.86; Paid by Check No.'s 52494 through 52580 with Check No.'s 52343, 52354, & 52483 Voided.	Approved
Approve December 19, 2008 Payroll in the Amount of \$929,203.40; Paid by Check No.'s 20756 through 20813.	Approved
Approve January 5, 2009 Payroll in the Amount of \$1,313,728.98; Paid by Check No.'s 20814 through 20866.	Approved
Authorize the Mayor to Sign the Amendment No. 1 to the Agreement between Okanogan County, Washington and the City of Marysville, Washington, for the Housing of Inmates in the Okanogan County Jail.	Approved
Authorize the Mayor to Sign the Interlocal Agreement between Snohomish County and the City of Marysville for Auto Theft Task Force Services.	Approved
Review Bids	
Public Hearings	
New Business	
Approve Sixth Amendment to Chief Administrator Officer's Employment Contract.	Approved
Adopt a Resolution of the City of Marysville Declaring Miscellaneous Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.	Approved Res. No. 2256
Adopt a Resolution of the City of Marysville Affirming the Recommendation of the Hearing Examiner and Granting a Conditional Shoreline Substantial Development Permit to Allow Development of a Commercial Trucking, Storage and Maintenance Facility.	Approved Res. No. 2257
Adopt an Ordinance of the City of Marysville, Washington Amending the City's Code Enforcement and Nuisance Regulations and Amending Chapters 4.02 and 6.24 of the Marysville Municipal Code.	Continued
Adopt an Ordinance of the City of Marysville, Washington, Setting Forth the Agreement between the City of Marysville and T-Mobile West Corporation, a Delaware Corporation, Granting T-Mobile, Its Successors and Assigns a Nonexclusive Franchise to Construct, Operate, Maintain, Remove, Replace, and Repair Wireless Facilities within City Right of Way.	Approved Ord. No. 2760
Adopt an Ordinance of the City of Marysville Amending the 2009 Budget	Approved

and providing for the increase of certain expenditure items as budgeted for in 2009 and Amending Ordinance No. 2751.	Ord. No. 2761
Approve Agreement for Services with Allied Employers, Inc. in the Amount of \$27,058.20.	Approved
Legal	
Mayor's Business	
Approve Appointment of Harv Jubie to the Salary Commission.	Approved
Staff Business	
Call on Councilmembers	
Adjournment	8:36 p.m.
Executive Session	Held
Real Estate – 3 items, action taken on one item.	
Personnel – 1 item	
Adjournment	9:10 p.m.

COUNCIL



MINUTES

Regular Meeting
January 12, 2009

Call to Order / Invocation / Pledge of Allegiance

Mayor Dennis Kendall called the January 12, 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 Lee Phillips, Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano, Councilmember Jeff Vaughan and Councilmember Donna Wright

Absent: None

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, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Committee Reports

Councilmember Rasmussen reported on the recent Library Board meeting.

Presentations

None

Audience Participation

None

Approval of Minutes

1. Approval of December 8, 2008 City Council Meeting Minutes.

Councilmember Jeff Vaughan referred to the last paragraph, 5th sentence of the 1st page of the minutes. This should be amended to read, "*There was also discussion with the Tulalip Tribes about getting the 116th Street Bridge clean and keeping it clean.*"

Councilmember Phillips referred to page 3 of 8. Under item 4, the second sentence should read: "*Denise Gritton explained that those are all payments to Bank of America on the City's travel cards for the City's Bank of America travel cards.*"

Motion made by Councilmember Donna Wright, seconded by Councilmember Jeff Vaughan to approve the minutes as corrected. **Motion** passed unanimously (7-0).

2. Approval of January 5, 2009 City Council Work Session Minutes

Motion made by Councilmember Jon Nehring, seconded by Councilmember Carmen Rasmussen, to approve the minutes as presented. **Motion** passed unanimously (7-0).

Consent Agenda

Motion made by Councilmember Soriano, seconded by Councilmember Nehring, to adopt the Consent Agenda as follows:

3. Approval of December 10, 2008 Claims in the Amount of \$869,917.09; Paid by Check No.'s 52022 through 52162 with Check No. 48119 Voided.
4. Approval of December 17, 2008 Claims in the Amount of \$242,632.40; Paid by Check No.'s 52163 through 52323 with No Check Numbers Voided.
5. Approval of December 24, 2008 Claims in the Amount of \$989,957.83; Paid by Check No.'s 52324 through 52493 with No Check No.'s Voided.
6. Approval of December 31, 2008 Claims in the Amount of \$1,423,270.86; Paid by Check No.'s 52494 through 52580 with Check No.'s 52343, 52354, & 52483 Voided.
7. Approval of December 19, 2008 Payroll in the Amount of \$929,203.40; Paid by Check No.'s 20756 through 20813.
8. Approval of January 5, 2009 Payroll in the Amount of \$1,313,728.98; Paid by Check No.'s 20814 through 20866.
9. Authorize the Mayor to Sign the Amendment No. 1 to the Agreement between Okanogan County, Washington and the City of Marysville, Washington, for the Housing of Inmates in the Okanogan County Jail.

11. Authorize the Mayor to Sign the Interlocal Agreement between Snohomish County and the City of Marysville for Auto Theft Task Force Services.

Motion passed unanimously (7-0).

Review Bids

None

Public Hearings

None

New Business

10. Sixth Amendment to Chief Administrator Officer's Employment Contract.

Motion made by Councilmember Nehring, seconded by Councilmember Seibert, to approve the contract. **Motion** passed 6-1 with councilmember Phillips voting against.

12. A Resolution of the City of Marysville Declaring Miscellaneous Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to adopt Resolution 2256. **Motion** passed unanimously (7-0).

13. A Resolution of the City of Marysville Affirming the Recommendation of the Hearing Examiner and Granting a Conditional Shoreline Substantial Development Permit to Allow Development of a Commercial Trucking, Storage and Maintenance Facility.

Gloria Hirashima noted that she had distributed the map that shows the access pork chop and the trail as requested earlier by Council.

Councilmember Seibert asked if the trail would go up to where the new bridge would be. Director Hirashima indicated that it would.

Motion made by Councilmember Wright, seconded by Councilmember Rasmussen, to adopt Resolution 2257. **Motion** passed unanimously (7-0).

14. An Ordinance of the City of Marysville, Washington Amending the City's Code Enforcement and Nuisance Regulations and Amending Chapters 4.02 and 6.24 of the Marysville Municipal Code.

Mayor Kendall explained that this ordinance is not ready to go to vote, but audience input would be taken. The vote will occur at the next regular meeting on January 26.

Community Development Director Hirashima verbally reviewed potential changes:

- Definition for heavy commercial vehicles – “vehicles exceeding 6,000 pounds”
- Definition for the term “screened” – substitute something such as “sight-obscuring fencing or landscaping”
- Ordinance p. 10 of 17 – after item C, “pursuant to section 9 below” in reference to the appeal process
- Cross reference on the graffiti section Ordinance p. 14 of 17, item 10
- Section 11, p. 14 of 17, first sentence refers to “motor vehicles”
- Addition of language, section E - Vehicles displaying collector vehicle plates are exempt.
- Possibility of differentiation of rural lots and neighborhood lots.

Director Hirasima distributed copies of an email from Mike Gribler who had responded with several comments to the code.

Public Comment:

Mike Gribler, 8117 75th Street NE, Marysville, thanked Gloria Hirashima, Paul Rochon, Grant Weed and the rest of staff who worked on this for the work they have done. He was very pleased with the progress that has been made. His specific comments were addressed in his email. He clarified that he was in favor of having a 6-month limit on expired tabs (as opposed to the proposed 12-month limit). He would like to have more discussion about whether or not this code is really enforceable in his particular case.

Les Hoge, 8010 75th Street NE, Marysville, spoke in support of the code amendments. He asked if tractors would be included in the disabled/unused vehicles category. Grant Weed stated that as long as it has an engine in it, it would fall under that section.

Council Comments and Questions:

Councilmember Nehring referred to 11B. He agreed that 12 months might be a bit long for expired tabs. Staff explained that this length of time was consistent with the other codes reviewed.

Councilmember Rasmussen addressed the following:

- Item 11 - Is the standard 14 days or six months?
- Regarding the tractor – might need a more specific definition of motor vehicles. Are boats included?
- Many nuisances are not visible from the street, but are very visible to residents from their backyard, especially on the hillsides. This code does not address that.
- She shared Councilmember Wright’s concern about large portions of the UGA that would not be in compliance with this. She thought it would be fair to have some sort of delay in enforcement for new annexation areas.

Councilmember Seibert had the following comments:

- He expressed several concerns about item 11 on page 14 of 17.
- Item 12, regarding vegetation – He did not feel it was the City's place to tell people how to landscape their property.
- He asked what the County requires for some of these topics. He thought this would be a good way to deal with the UGA issues.

Councilmember Nehring asked how boats are currently handled. Director Hirashima did not think they were included in this ordinance since they cannot "motor" on their own. She suggested language options available to Council.

Councilmember Phillips agreed with looking at the County code and also including a grace period for new annexation areas. Regarding screening he suggested looking at the building code for a definition of screening. Director Hirashima replied that they generally use "six-foot high fencing or sight obscuring landscaping" as the definition. Councilmember Phillips suggested referencing the building code within the ordinance.

Councilmember Wright expressed concern about 14, 17, 21, and possibly 22 being overreaching.

- 14 – Should patios, decks and similar structures be included here? Who makes the determination that they are structurally sound and in good repair?
- 17 – Fences – Many fences are in disrepair. Who is going to be checking on those?
- 21 – Should driveways and parking areas really be included here?
- 22 – Swimming pools – This is on private property. It should be left to the property owner.

Councilmember Rasmussen was in favor of striking the "14 days". She agreed with Councilmember Seibert on the 12-inch vegetation issue. She suggested striking number 12 altogether or making the wording much less stringent.

There was consensus to strike the second sentence on item 11 and to delete item 11b.

Councilmember Seibert recommended removing the requirement to display tabs and the requirement to drive the vehicle on a regular basis. City Attorney Grant Weed suggested looking at the state law regarding abandoned and junk vehicles to see how this is defined.

Councilmember Phillips concurred with deleting item 11b.

Paul Rochon stated that the county code is even a little stricter than the City's code. He reviewed the county code. He stressed that their enforcement is generated by citizen complaints.

There was consensus to add a provision to the first sentence allow a repair period of no greater than 30 days.

Regarding vegetation, Councilmember Nehring commented on the rodent problem associated with overgrown vegetation. He was in favor of leaving item 12, but expressed interest in having different standards for rural properties.

Donna Wright thought that the rodent issue was taken care of in item 20. She recommended deleting item 12.

Councilmember Rasmussen recommended clarifying item 12 to refer to a certain percentage of the lot.

Councilmember Vaughan commented that number 12 is not a rat issue; it refers to the effect that unmaintained properties can have on neighboring properties. He pointed out that this is already on the books and has been working relatively well. He encouraged Council to leave it in.

Councilmember Seibert felt that this was overreaching and left open the potential for neighbors to harass one another with these requirements.

Councilmember Phillips concurred with Councilmember Vaughan and also with the potential for spiteful behavior between neighbors.

Councilmember Seibert asked for clarification regarding item 26. There was discussion about the intent of this.

Councilmember Soriano asked if item 12 should refer to the fire code. Mr. Rochon stated that it should not.

Gloria Hirashima indicated she would bring back a redlined version next week.

15. An Ordinance of the City of Marysville, Washington, Setting Forth the Agreement between the City of Marysville and T-Mobile West Corporation, a Delaware Corporation, Granting T-Mobile, Its Successors and Assigns a Nonexclusive Franchise to Construct, Operate, Maintain, Remove, Replace, and Repair Wireless Facilities within City Right of Way.

Director Hirashima referred to Addendum, 15-28, Section 5, the Payment section should clarify that the annual payment is in lieu of monthly payments.

Motion made by Councilmember Nehring, seconded by Councilmember Wright, to approve Ordinance 2760. **Motion** passed unanimously (7-0).

16. An Ordinance of the City of Marysville Amending the 2009 Budget and providing for the increase of certain expenditure items as budgeted for in 2009 and Amending Ordinance No. 2751.

Finance Director Sandy Langdon referred to the memo which clarifies the changes being made.

Motion made by Councilmember Wright, seconded by Councilmember Soriano, to approve Ordinance 2761. **Motion** passed unanimously (7-0).

17. Agreement for Services with Allied Employers, Inc. in the Amount of \$27,058.20.

CAO Swenson explained this is the standard contract with Allied who does labor negotiations for the City.

Motion made by Councilmember Nehring, seconded by Councilmember Vaughan, to approve the Agreement. **Motion** passed unanimously (7-0).

Legal

None

Mayor's Business

Mayor Kendall will be out of town next week. Mayor Pro Tem Seibert will chair the Work Session.

Approve Mayor's recommendation to confirm the appointment of Harvey Jubie to the Salary Commission to fulfill a term to June 23, 2011.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the appointment. **Motion** passed unanimously (7-0).

Staff Business

Kevin Nielsen reported that there was a shut down from the Everett water supply over the weekend with little or no effect on Marysville. Marysville provided water to the City of Snohomish over the weekend as a result of the flooding there. Marysville also supported the City of Stanwood by sending Vactor trucks to help with some issues related to flooding. There were very few events related to flooding within the city.

Chief Smith had no comments.

Jim Ballew:

- Allen Creek is pretty much back to normal after loss of access to Jennings.
- Most of the fields at Strawberry Fields were submerged on Thursday. On Friday they were dry.
- Father Daughter dance tickets are available now. 220 tickets were sold today.
- Healthy Communities Open Swim Night has been changed to February 20.
- Healthy Communities Leadership Committee will reconvene on January 22.

Sandy Langdon reminded Council that there would be a finance committee this Wednesday. She discussed the IRS requirements to withhold 3% of vendor payments.

Gloria Hirashima noted that the Planning Commission has requested a joint workshop with the Council, especially to discuss impact fees, with a tentative date of February 2.

Grant Weed addressed the need to have an Executive Session to discuss three matters concerning real property acquisition and one personnel matter concerning position qualifications. Action was expected on one property item. The estimated time for the Executive Session was 25 minutes.

Mary Swenson:

- She commended Mike Robinson for noticing a small hole in one of the dykes, which actually turned out to be a much larger issue. This was noticed and repaired the day before the major flooding began.
- Marysville sent an email to Stanwood, Arlington, and Snohomish to offer support during the storm event. We were able to support Stanwood.
- Strawberry Fields handled the flooding very well.
- She thanked the Council for approval of her contract.

Call on Councilmembers

Jeff Vaughan had no comments.

Donna Wright had no comments.

Jon Nehring had no comments.

John Soriano had no comments.

Lee Phillips had no comments.

Carmen Rasmussen thanked Gloria for her work with neighbors on the nuisance ordinance. She also thanked Mary for spending another year with the City.

Jeff Seibert had no comments.

Adjournment

Mayor Kendall recessed the meeting at 8:36 p.m. until 8:45 p.m. after which time they reconvened into Executive Session to discuss one personnel item to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) and three real estate items to discuss the acquisition of real property pursuant to RCW 42.30.110(1)(b).

Executive Session

- A. Litigation
- B. Personnel – 1 item, no action
- C. Real Estate – 3 items, action taken on one

Motion made by Councilmember Seibert, seconded by Councilmember Wright to authorize the Mayor to enter into a settlement agreement for the acquisition of real property with Gibbs for the Bayview Trail in an amount not to exceed the appraised value plus Gibbs attorney's fees not to exceed \$2500. **Motion** passed unanimously (7-0).

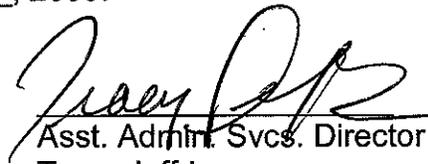
Adjournment

Seeing no further business Mayor Kendall adjourned the meeting at 9:10 p.m.

Approved this 26th day of January, 2009.



Mayor
Dennis Kendall



Asst. Adm. Svcs. Director
Tracy Jeffries