

# COUNCIL



# MINUTES

**Work Session**  
*June 21, 2010*

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

Mayor Kendall called the June 21, 2010 work session 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 Gloria Hirashima gave the roll call. The following staff and councilmembers were in attendance.

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

**Also Present:** Chief Administrative Officer Gloria Hirashima, City Attorney Grant Weed, Finance Director Sandy Langdon, Public Works Director Kevin Nielsen, Parks Service Manager Tara Mizell, Commander Robb Lamoureux and Assistant Administrative Services Director Tracy Jeffries.

## **Committee Reports**

Councilmember Nehring reported on the June 16 Snohomish County Tomorrow Steering Committee meeting where the new SCT Coordinator Cynthia Pruitt was introduced. There was discussion about the mediation process for land use disputes. The proposed 2011 Budget was presented, which is a 9% cut from the 2010 Budget. Puget Sound Regional Council is deciding on \$19.8 million of Enhancement Funds that will be doled out in January of 2011.

Councilmember Phillips reported that the Hotel/Motel Tax Grant Committee met today and reviewed 12 applications. The recommendation will be that eight of those be fully funded; one be partially funded; and three not funded at all. This will be coming to Council for approval in July.

## Discussion Items

### Approval of Minutes

1. Approval of June 7, 2010 City Council Work Session Minutes.

### Consent

2. Approval of June 9, 2010 Claims in the Amount of \$1,598,297.46; Paid by Check Number's 63476 through 63604 with Check Number's 28381, 45588, 47794 and 63251 Voided.
3. Approval of June 16, 2010 Claims.
4. Approval of June 18, 2010 Payroll.

### New Business

5. Renewal of Concessionaire Agreement with Da Vinci Dogs.

Mayor Kendall explained that this is done at Jennings Park during the summer for the Sounds of Summer concert series and the outdoor movies.

6. Aid Agreement with Snohomish County for Minor Street Projects for Municipal Services.

Public Works Director Nielsen explained that this is for the annexation area if we want to use it.

7. An **Ordinance** of the City of Marysville Authorizing that the City Perform Maintenance Work on SR 529, Ebey Slough Bridge Replacement Decorative Luminaire; and Enter into Agreement with Washington State Department of Transportation Regarding Such Maintenance; and Providing for an Effective Date.
8. A **Resolution** of the City of Marysville for the Acceptance of a Gift from Marysville Noon Rotary Subject to Conditions.

Mayor Kendall stated that this is a \$2500 contribution to the City for use of the development of two projects: the construction of the new disc golf course at Strawberry Fields and landscape improvements at the Jennings Park Master Garden site. Both are Eagle Scout projects.

9. A **Resolution** of the City Council of the City of Marysville, Washington, Setting a Date and Time for a Public Hearing on the Creation of a Local Improvement District for Making Certain Improvements within that District Pursuant to Property Owners' Petition therefore, and Providing for the Publication and Mailing to Property Owners of Notice of that Hearing.

CAO Hirashima explained that several of the petitioners have filed for an agricultural tax exemption with the County which means they could apply for an LID waiver. Staff had issues with this and is asking that the petitioners who are applying for an agricultural tax exemption sign an agreement in advance that says they will waive their option for LID exemption and participate in the LID.

### **Legal**

10. Discussion of Trespass Issue.

City Attorney Grant Weed discussed what tools the City has to deal with the trespass issue. He explained how this is handled in other cities such as Seattle, Monroe and Everett by using a progressive exclusion policy. He recommended that Marysville consider codifying something similar. CAO Hirashima added that this came up because of some of the problems they have at Comeford Park and this was identified by the police as a potential area where we could improve.

Councilmember Rasmussen commented that the City of Everett has park rangers. She expressed concern that civilian staff members would not have the type of training that police have, but might be put in a law enforcement position. City Attorney Weed agreed that this was a legitimate concern and could be addressed through further training of civilian staff or limiting the scope of who would be authorized to issue exclusionary notices to people. Tara Mizell commented that she had talked to Director Ballew about this and he envisioned that it would be limited to him, Tara Mizell and Mike Robinson. They have also talked with Everett about having a discussion with their rangers about what has worked and not worked as far as their codes. Councilmember Rasmussen said she would also like the police department's perspective on this. Ms. Mizell said their staff did have some training several years ago from the police department about this issue. Councilmember Rasmussen said she would also be interested in knowing if Everett's park rangers carry weapons. City Attorney Weed suggested talking to Monroe also who has similar policies to Everett, but does not have park rangers, to see how this has worked for them.

Councilmember Seibert shared Councilmember Rasmussen's concerns about safety. He asked how they would positively identify someone if they refused to identify themselves or gave false information. City Attorney Weed commented that in some cases it might be better to have a police officer, but one of the reasons cities have adopted this policy is that they don't have enough manpower in the police department to respond to these issues. He noted that the exclusion notice would be a civil notice and not a crime but it is important to identify people correctly because it does lead down the

path to a potential gross misdemeanor. Councilmember Seibert said he would like to see more information about how they would positively identify people. City Attorney Weed agreed that this would be an important issue.

Councilmember Seibert remarked that one of the biggest advantages park rangers have is that they carry a radio and are connected directly with the police department. City Attorney Weed agreed that the radio, uniform, car and weapon all convey a higher level of authority. Councilmember Rasmussen added that the image of authority also conveys the need to obey the authority whereas staff members would not have the same presence.

Councilmember Nehring recommended pursuing information from other cities who have worked through these issues. CAO Hirashima agreed. City Attorney Weed commented that even if after they research this and Council decides not to use this particular tool, they do have an important need to update their Park Code. CAO Hirashima says that this would essentially adopt a Code of Conduct. Councilmember Nehring noted that the school districts have a Code of Conduct that is handed out and enforced. It might be worthwhile to see how this works for them. CAO Hirashima remarked that a lot of agencies, such as schools and libraries, are probably using this type of policy informally.

### **Mayor's Business**

Mayor Kendall:

- Council had signed a letter to Everett City Council regarding concerns about Cedar Grove.
- He commented that a great Asian restaurant opened up last week.
- Strawberry Festival went very well.
- AWC Conference will be in Vancouver on Wednesday, Thursday and Friday.

### **Staff Business**

Kevin Nielsen:

- He met with Blue Water Technologies on Tuesday. They produce a filter that takes the solids out of wastewater and compresses it into a cake so it can be burned for electricity. This will coming back to the Public Works Committee after more research is done.
- Perteet was chosen as the consultant for the 35<sup>th</sup> connection.
- Public Works and Community Development are both back and operating.

Sandy Langdon had no comments.

Tara Mizell had no comments.

Robb Lamoureux gave a Strawberry Festival update. There was a big drop in the number of calls for service and two arrests were made from one fight during the parade. During the carnival there were no arrests made, no assaults, and a low number of calls.

He commented that these numbers highlight the work that the City and the Strawberry Festival crew have done to make this a family event. Mayor Kendall commended the intern that the police department had helping them.

Grant Weed stated that he had no new business for Council and no need for an executive session.

Gloria Hirashima:

- She thanked all the departments that were involved in the successful Strawberry Festival.
- She noted that the Planning Commission will be holding a hearing on mobile home park policies. Councilmember Wright recommended informing the fire department about the hearing.

### **Call on Councilmembers**

Donna Wright commented on how early people were lining the streets for the parade. She noted that she heard some complaints regarding people going on private property. She commended the cleanup crews for getting the streets cleaned up quickly.

Lee Phillips thought the parade and festival turned out well. He commented that it seems to be getting a lot bigger and people are getting out earlier.

John Soriano had no comments.

Jon Nehring:

- He thought the parade and festival were great.
- He commented that it appeared that the issues at MMS Apartment Building regarding setup and tear-down were resolved. Commander Lamoureux affirmed that that there were no noise complaints regarding the carnival.

Jeff Vaughan also enjoyed the festival and sitting in the grandstands.

Carmen Rasmussen commented that the Strawberry Festival was great. It gets bigger and better every year.

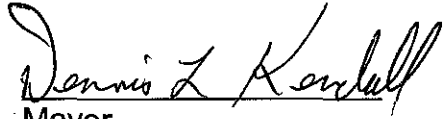
Jeff Seibert thought the parade was good. He commented that it seemed things had toned down quite a bit for the large number of people in town. He remarked that Marysville's staff and the police from other jurisdictions did a good job.

**Executive Session - none**

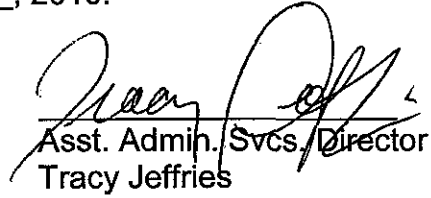
**Adjournment**

Seeing no further business Mayor Kendall adjourned the meeting at 7:50 p.m.

Approved this 12<sup>th</sup> day of July, 2010.



Mayor  
Dennis Kendall



Asst. Admin. Svcs. Director  
Tracy Jeffries