

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Presentations	
Employee Service Awards: Lois Geist, Maintenance Worker II - 15 Year Service Award; Bob Scott, Lead Mechanic - 10 Year Service Award; Lito Imadhay, Procurement/Distribution Assistant - 10 Year Service Award	Presented
Approval of Minutes	
Approval of September 27, 2010 City Council Meeting Minutes.	Approved
Approval of October 7, 2010 City Council Special Meeting Minutes.	Approved
Approval of October 4, 2010 City Council Work Session Minutes.	Approved
Consent Agenda	
Approval of October 6, 2010 Claims in the Amount of \$601,774.83; Paid by Check Number's 65877 through 65981 with No Check's Voided.	Approved
Approval of October 13, 2010 Claims.	Approved
Approval of October 20, 2010 Payroll.	Approved
Third Renewal/Amendment of Intergovernmental Facilities Use Agreement between the City of Marysville and the U.S. Bankruptcy Court.	Approved
Renewal of Marysville School District No. 25 and the City of Marysville for School Resource Officer Agreement and Payment Schedule Addendum.	Approved
Amendment No. 1 to Janitorial Services Contract between the City of Marysville and Advantage Building Services in the Amount of \$57,936.79.	Approved
Renewal of Animal Shelter Interlocal Agreement with the City of Everett.	Approved
Review Bids	
Award the Boys and Girls Club Lighting Retrofit Project to DC Electric, Inc.	Approved
New Business	
An Ordinance of the City of Marysville, Washington Related to Mobile/Manufactured Housing, Amending Section 19.04.020 Zones and Map Designations Established; Amending Section 19.04.080 Residential Zone; Amending Section 19.08.030 Residential Land Uses and Amending Footnotes 1; 24; 25 and 26; Amending Section 19.08.040 Recreation/Cultural Land Uses and Amending Footnote 1a; Amending Section 19.08.050 General Services Land Uses; Amending 19.08.060 Government/Business Service Land Uses; Amending 19.08.100 Regional Land Uses; Amending 19.38.030 Mobile/Manufactured Home Park Zone; and Amending 19.38.150 Standards for Existing Parks.	Approved Ord. No. 2832
An Ordinance of the City of Marysville Amending Section 10.04.150 of the Marysville Municipal Code, Relating to Fees for Voluntarily Surrendered Animals and Effective Date.	Approved Ord. No. 2833
An Ordinance of the City of Marysville Amending Portions of Marysville Municipal Code Chapter 5.92 Relating to Body Art, Body Piercing and Tattooing or Tattoo Parlors and Providing for Severability.	Approved Ord. No. 2834
An Ordinance of the City of Marysville Amending Marysville Municipal Code Chapter 14.32 Relating to Utility Service Area.	Approved Ord. No. 2835
Legal	
Mayor's Business	

Staff Business	
Call on Councilmembers	
Recess	8:38 p.m.
Executive Session	8:45 p.m.
Litigation – one potential litigation item, pursuant to RCW 42.30.110	
Adjournment	8:50 p.m.

COUNCIL



MINUTES

Council Meeting *October 25, 2010*

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance. Pastor Kurt Onken from Messiah Lutheran Church gave the invocation.

Roll Call

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

Mayor: Jon Nehring

Council: Councilmember Carmen Rasmussen, Councilmember Jeff Seibert, Councilmember John Soriano, Councilmember Jeff Vaughan, Councilmember Lee Phillips, Councilmember Donna Wright and Councilmember Michael Stevens

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Public Works Superintendent Larry Larson, Chief Information Officer Doug Buell, Planning Manager Cheryl Dungan, Chief Rick Smith, and Recording Secretary Laurie Hugdahl.

Councilmember Seibert reported on the October 20 **Finance Committee** meeting where the following items were discussed:

- The budget is still gloomy, but they are planning for debt service.
- They are looking at options for a new lease agreement for the restaurant.
- Ongoing discussion regarding the Fire District Agreement.
- There is an issue with some of the bills for the storm drainage fee. This will be discussed later.

Presentations:

A. Employee Service Awards

The following employees received service awards:

- Lois Geist, Maintenance Worker II - 15 Year Service Award
- Bob Scott, Lead Mechanic - 10 Year Service Award
- Lito Imadhay, Procurement/Distribution Assistant - 10 Year Service Award

Audience Participation - None

Motion made by Councilmember Rasmussen, seconded by Councilmember Wright, to open discussion later on the agenda for item 13. **Motion** passed unanimously (7-0).

Approval of Minutes

1. Approval of September 27, 2010 City Council Meeting Minutes.

Councilmember Soriano referred to page 1-9 and noted that under Sandy Langdon's comments, his name should be taken off the list of people attending the Finance Committee meeting.

Motion made by Councilmember Soriano, seconded by Councilmember Vaughan, to approve the minutes of the September 27, 2010 City Council Meeting minutes as amended. **Motion** passed unanimously (7-0).

2. Approval of October 7, 2010 City Council Special Meeting Minutes.

Councilmembers Seibert, Wright and Phillips indicated that they would be abstaining since they did not attend the October 7, 2010 Special Meeting.

Councilmember Seibert noted that under the Roll Call section, the following sentence is repeated and should be deleted: *Chief Administrative Officer Hirashima gave the roll call. The following staff and councilmembers were in attendance.*

Motion made by Councilmember Rasmussen, seconded by Councilmember Vaughan, to approve the October 7, 2010 City Council Special Meeting Minutes as amended. **Motion** passed (4-0) with Councilmembers Seibert, Phillips and Wright abstaining.

3. Approval of October 4, 2010 City Council Work Session Minutes.

Councilmembers Wright and Phillips indicated they would be abstaining since they were not at the meeting.

Motion made by Councilmember Vaughan, seconded by Councilmember Soriano, to approve the October 4, 2010 City Council Work Session Minutes. **Motion** passed 5-0 with Councilmembers Phillips and Wright abstaining.

Consent

4. Approval of October 6, 2010 Claims in the Amount of \$601,774.83; Paid by Check Number's 65877 through 65981 with No Check's Voided.
5. Approval of October 13, 2010 Claims.
6. Approval of October 20, 2010 Payroll.
8. Third Renewal/Amendment of Intergovernmental Facilities Use Agreement between the City of Marysville and the U.S. Bankruptcy Court.
9. Renewal of Marysville School District No. 25 and the City of Marysville for School Resource Officer Agreement and Payment Schedule Addendum.
10. Amendment No. 1 to Janitorial Services Contract between the City of Marysville and Advantage Building Services in the Amount of \$57,936.79.
11. Renewal of Animal Shelter Interlocal Agreement with the City of Everett.

Motion made by councilmember Wright, seconded by Councilmember Soriano to approve Consent Agenda items 4, 5, 6, 8, 9, 10, 11. **Motion** passed unanimously (7-0).

Review Bids

7. Award Boys and Girls Club Lighting Retrofit Project.

Motion made by Councilmember Vaughan, seconded by Councilmember Stevens, to award the Boys and Girls Club Lighting Retrofit Project to DC Electric, Inc. in the amount of \$11,837.40 including Washington State Sales Tax and Approve a Management Reserve of \$2,500 for a total allocation of \$14,337.40. **Motion** passed unanimously (7-0).

New Business

Motion made by Councilmember Seibert, seconded by Councilmember Phillips, to move item 13 to the first item under New Business. **Motion** passed unanimously (7-0).

13. An Ordinance of the City of Marysville, Washington Related to Mobile/Manufactured Housing, Amending Section 19.04.020 Zones and Map

Designations Established; Amending Section 19.04.080 Residential Zone; Amending Section 19.08.030 Residential Land Uses and Amending Footnotes 1; 24; 25 and 26; Amending Section 19.08.040 Recreation/Cultural Land Uses and Amending Footnote 1a; Amending Section 19.08.050 General Services Land Uses; Amending 19.08.060 Government/Business Service Land Uses; Amending 19.08.100 Regional Land Uses; Amending 19.38.030 Mobile/Manufactured Home Park Zone; and Amending 19.38.150 Standards for Existing Parks.

Councilmember Stevens announced that he was a member of the Planning Commission when this ordinance came through there and wanted to make sure there was no conflict of interest. Grant Weed explained that there was no legal reason he would not be able to participate on this item.

Public Comment:

Ishbel Dickens, Columbia Legal Services, 101 Yesler Way, Seattle, WA, thanked the Council for allowing this item to be addressed first. She also thanked the staff, especially Cheryl Dungan and Gloria Hirashima for the work they have done analyzing the situation of the manufactured home situation in Marysville. She commended the process in Marysville noting that people have had opportunity for input. She was happy about the ordinance that will apply to at least 615 households, but expressed concern about the 421 homes that would not be protected by the propose ordinance. She urged the Council to expand the ordinance to include all of the manufactured homes.

Kylin Park, 4515 - 176th Street SW #43, Lynnwood, WA 98037, discussed the type of residents who live in manufactured home communities and the reasons they choose to live there. She stated that they appreciate the property rights of the community owners, but the benefit of preserving these communities goes much further than just saving the homes people live in. She discussed the huge economic savings as a result of people helping people within these parks. She asked the Council to be forward thinking and address this issue now when there is no crisis.

Wayne Radder, 5900 64th Street NE #174, Marysvillie, WA, President of Glenwood Estates Homeowners Association, explained that he moved to his park for long-term stability. The Council has an opportunity to add to that security for him. He concurred with Ishbel Dickens' and Kylin Park's comments. He spoke in support of the ordinance and encouraged the Council to consider the long-term stability of residents in the parks.

Margaret Hopkins, 5900 64th St NE #90, Marysville, WA 98270, stated that she has lived in Glenwood Park for 11 years and in Marysville for 16 years. She expressed concern for all park residents and the always-present possibility of having to find a new home in one year. She urged the Council to consider the possible impacts on residents.

Council Discussion:

Donna Wright asked for clarification about the effect of this particular ordinance. Cheryl Dungan explained that it creates a residential mobile home park zone and allows permitted uses in that zone. It does not rezone any parks; that would be done at a later date.

Councilmember Rasmussen expressed support for the ordinance and thanked Cheryl Dungan for her hard work on the ordinance and the outreach she has done. This ordinance provides a statement of the City's value of affordable homes that are available to our seniors. She feels the Council has a duty to protect the vulnerable citizens in the community. She spoke in support of this as a beginning step to pursue the things that can be done to make the seniors feel secure in their housing.

Councilmember Stevens clarified that even after this zone is created there is still a possibility that the land could be rezoned and that it is not completely protected. Cheryl Dungan concurred. She stated that a property owner could still apply for a rezone back to the comprehensive plan designation.

Councilmember Wright spoke to the importance of affordable housing to a community, but recommended denying or postponing this until they hear about the results of the other court cases so that they do not put their city in a financial predicament at a later time. Because of the economy she does not feel there is any hurry.

Councilmember Soriano asked for confirmation that all they were really doing here was creating a new designation. Ms. Dungan concurred.

Motion made by Councilmember Rasmussen, seconded by Councilmember Phillips, to approve Ordinance No. 2832. Upon a roll call vote, the following votes were recorded:

- Yes – Rasmussen, Phillips, Soriano, Seibert
- No – Stevens, Wright, Vaughan

Motion passed (4-3).

12. An Ordinance of the City of Marysville Amending Section 10.04.150 of the Marysville Municipal Code, Relating to Fees for Voluntarily Surrendered Animals and Effective Date.

Councilmember Seibert asked if staff had obtained any additional information from the shelter about how Lake Stevens has been impacted by the change in price as a result of annexation. Staff did not have that information.

Councilmember Seibert expressed his concerns about this. He feels that if they charge full price for this people will be less likely to take strays to the shelter and owners will be less likely to find their lost pets. Additionally, based on the number of animals surrendered he feels that the citizens are doing the city a service that would otherwise have to be done by a CSO.

Councilmember Rasmussen recommended a "Good Samaritan" exception where you sign an affidavit that you found this animal, in which case the City would take the responsibility for the cost of that animal. Chief Smith explained that the ordinance just allows them to have a discussion with the shelter. What Councilmember Rasmussen is referring to is something that can be negotiated between staff and the shelter. He stated that they are planning on looking at language that differentiates between turning in a stray and a surrendered animal. This ordinance just allows them to look at the issue. He stated that staff is committed to coming to Council for direction on the rest of the issue. Councilmember Rasmussen requested follow up on this issue. Chief Smith concurred.

Councilmember Wright asked if they could amend item 2 to say, " the sum equal to the current rate charged by the city" so they could pass the ordinance but still allow the sum to be determined later. City Attorney Weed commented that they could say, " . . . the sum equal to the current rate charged by the city or any portion thereof." Or, . . . " a sum to be determined by the Marysville City Council."

Councilmember Rasmussen expressed concern that the ordinance assumes the person in possession is the owner. City Attorney Weed suggested having a separate category that allows the Council to establish a different rate or scenario for those that have come into possession of an animal and have had possession for less than a certain amount of time.

Councilmember Seibert stated that he would be more comfortable with having the discussion about the charges prior to approving the ordinance.

Councilmember Rasmussen noted that 1M already refers to a person who is surrendering a stray. She suggested that they could separate this out. Councilmember Phillips recommended removing the second part of that section and dealing with that as a separate issue.

Councilmember Soriano asked if they had information about the number of puppies or kittens that had been surrendered which might indicate that the owner had suddenly become burdened with a litter of animals they did not want. Chief Smith did not have that information.

Motion made by Councilmember Phillips, seconded by Councilmember Wright, to adopt Ordinance No. 2833 as amended, withdrawing from section 10.4.150 M, ". . . or by any person who declares that the animals are stray animals as

defined by this chapter.” **Motion** carried 6-1 with Councilmember Seibert voting against the motion.

Councilmember Wright thought that the Tribes had an animal shelter. She suggested seeing if that might be an option for the City. Chief Smith stated that he would look into this.

Councilmember Phillips asked if an ordinance amendment would be brought back dealing with strays or a Good Samaritan clause. There was consensus that the Council was not in support of charging for strays, but did support having an affidavit that the person dropping off a stray could sign declaring that they are not the owner. There was no support for trying to recoup costs for stray drop-offs, although Councilmember Stevens said he would be willing to pay a very minimal drop-off fee such as \$10. Councilmember Vaughan proposed that they let the ordinance stand for awhile to see what happens. Councilmember Soriano concurred with Councilmember Vaughan. There was consensus from Council to do nothing more at this point.

14. An Ordinance of the City of Marysville Amending Portions of Marysville Municipal Code Chapter 5.92 Relating to Body Art, Body Piercing and Tattooing or Tattoo Parlors and Providing for Severability.

Motion made by Councilmember Phillips, seconded by Councilmember Seibert, to approve Ordinance No. 2834, an Ordinance of the City of Marysville Amending Portions of Marysville Municipal Code Chapter 5.92 Relating to Body Art, Body Piercing and Tattooing or Tattoo Parlors and Providing for Severability. **Motion** passed unanimously (7-0).

15. An Ordinance of the City of Marysville Amending Marysville Municipal Code Chapter 14.32 Relating to Utility Service Area.

Motion made by Councilmember Seibert, seconded by Councilmember Soriano, to approve Ordinance No. 2835, an Ordinance of the City of Marysville Amending Marysville Municipal Code Chapter 14.32 Relating to Utility Service Area. **Motion** passed (6-0) with Councilmember Rasmussen abstaining since she did not have a chance to review the Ordinance.

Mayor's Business

Mayor Nehring participated in the Jet City ribbon cutting. Councilmembers Stevens and Wright were also there. The business was great and the pizza was fantastic. He wished them success.

He noted that the Ingraham Blvd. ribbon cutting would be held tomorrow morning.

Staff Business

Jim Ballew:

- On Make a Difference Day the parishioners of Venture Church planted over 30,000 bulbs.
- Teen Halloween Haunted Egg Hunt will be held at 7:00 p.m. on Friday Night at Jennings Park.

Chief Smith stated that a group will be working on some of the redeployment issues; in general the energy is very positive right now. He thanked the Council for looking at the animal ordinance.

Kevin Nielsen:

- He discussed impacts of the wind and rain over the weekend. Staff is gearing up for the winter storm season.
- Ingraham Blvd. has some glare on it because of the newness of the road. Staff will be putting reflective turtles at the major intersections to aid in the visual aspect.
- Ribbon Cutting for Ingraham Blvd tomorrow at 11:00 a.m. He thanked everyone for their work on this.
- He distributed a new truck route map and noted that signage would be going up.
- He commended Mayor Nehring who spoke with the school district about pedestrian access with Getchell High School. As a result, improvements will be made by city staff immediately and the costs will be split with the school district.

Doug Buell explained that they are working on an Emergency Management Pages for preparing for snow and ice and also an Emergency Alerts page for the website.

Sandy Langdon had no comments.

Gloria Hirashima reported that permitting is showing an increase, especially in residential.

Grant Weed reported that he attended the WSAMA Conference last week which included a lot of topics of interest to city attorneys and cities. He announced that they had one potential litigation item for Executive Session which was expected to take five minutes with no action.

Call on Councilmembers

Carmen Rasmussen had no comments.

Lee Phillips had no comments.

John Soriano noted that both he and Councilmember Wright would have trouble making it to the public safety meeting this week. There was consensus to delay the meeting until November.

Michael Stevens echoed the Mayor's comments about Jet City Pizza. He thought the pizza was very good.

Jeff Vaughan suggested carpooling to the Joint City Council County Hearing on Wednesday.

Donna Wright also thought the Jet City Pizza was very good. She attended the Cities and Towns Meeting where they requested a resolution from Marysville in support of five issues: unfunded mandates, GMA, funding of Public Works Trust Fund, Highway 2 and Highway 9. CAO Hirashima indicated that they would look into this.

Jeff Seibert commended Chief Smith for his patience in dealing with the animal control issue.

Recess

Recessed the meeting at 8:40 for five minutes and reconvened into Executive Session at 8:45. No action was taken.

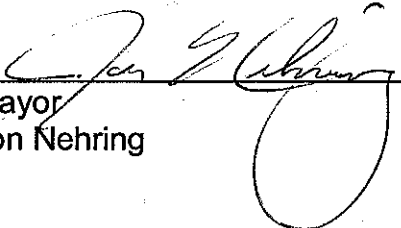
Executive Session

- A. Litigation – RCW 42.30.110 (1)(i) to discuss one potential litigation with legal counsel.
- B. Personnel
- C. Real Estate


Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:50 p.m.

Approved this 22nd day of November, 2010.



Mayor
Jon Nehring



Deputy City Clerk
April O'Brien