



Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approve the absence of Councilmember Stevens	Approved
Approval of the Agenda	Approved
Committee Reports	
Presentations	
State of the Court Presentation	Presented
Approval of Minutes	
Approval of the January 5, 2015 City Council Work Session Minutes.	Approved
Approval of the January 12, 2015 City Council Meeting Minutes.	Approved
Consent Agenda	
Approval of the January 21, 2015 Claims in the Amount of \$1,206,110.87; Paid by Check Numbers 97469 through 97587 with Check Number's 96241, 97159, and 97459 Voided.	Approved
Approval of the January 28, 2015 Claims in the Amount of \$346,526.53; Paid by Check Numbers 97588 through 97638 with No Checks Voided.	Approved
Consider Approving the Petition to Construct or Reconstruct a Highway-Rail Grade Crossing.	Approved
Consider Approving the Amendment to the Construction and Maintenance Agreement with BNSF Railway Company in the Amount of \$372,024.00 with a Management Reserve of \$50,000 - for a Total Authorization of \$422,024.00.	Approved
Consider Approving the Local Agency Federal Aid Project Prospectus and Local Agency Funding Agreement with WSDOT thereby Securing Funding for the 67 th Avenue NE Overlay (88 th Street NE to 108 th Street NE) Project.	Approved
Consider Approving the Third Amendment to the Chief Administrator Officer's Employment Contract.	Approved
Review Bids	
Public Hearings	
Consider an Ordinance of the City of Marysville Vacating a Portion of 25 th Avenue NE and an Existing Stormwater Detention Pond Located North of 172 th Street NE (SR 531) in the City of Marysville, Washington.	Approved Ord. No. 2990
New Business	
Consider the Marysville Golf Course Management Agreement with Premier Golf Centers LLS of Seattle, Washington to Assume Management Operations of Cedarcrest Golf Course effective March 1, 2015 in the Amount of \$8,000 Per Month Including an Annual Growth Incentive Fee as Recognized within the Agreement.	Approved
Consider the Second Amendment to Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities.	Approved
Mayor's Business	
Staff Business	
Call on Councilmembers	
Adjournment	9:13 p.m.
Executive Session	9:20 p.m.
One real estate item with no action; one personnel item with action	

expected; and two items regarding collecting bargaining with no action	
Adjournment	9:55 p.m.

COUNCIL



MINUTES

Regular Meeting February 9, 2015

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.

Roll Call

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

Mayor: Jon Nehring

Council: Steve Muller, Kamille Norton, Jeff Seibert, Rob Toyer, Jeff Vaughan, and Donna Wright

Absent: Michael Stevens

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Judge Towers, Judge Gillings, Suzanne Elsner, Planning Manager Holland, and Recording Secretary Laurie Hugdahl.

Motion made by Councilmember Toyer, seconded by Councilmember Muller, to excuse Councilmember Stevens. **Motion** passed unanimously (6-0).

Approval of the Agenda

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to approve the agenda. **Motion** passed unanimously (6-0).

Committee Reports

Jeff Seibert stated that last Friday the Public Works Committee toured Brightwater King County Treatment Facility which is an amazing facility.

Presentations

A. State of the Court Presentation

Judge Towers presented the State of the Court for 2014. She reviewed the type of hearings held in Municipal Court including criminal offenses, including jury trials; victims seeking protection orders; vehicle impound hearings, dangerous dog hearings; municipal code violations; vacation of convictions; mitigation and contested infraction hearings; and restitution hearings.

In 2014 there were 10,362 total filings. The court also holds hearings for Lake Stevens and Arlington. In Marysville alone there were 7552 filings including:

- DUI – 57
- Infractions - 4471
- Parking - 113
- Criminal – 2896
- Civil – 15

The court holds once a month interpretative calendar with interpretative services. The three most frequently requested languages are Spanish, Russian, and Vietnamese. The City is looking into a web-based interpreter service for the future. This would be more efficient and cost-effective. The court held the following types of hearings:

- Mitigation/contested hearings – 2300
- Arraignments - 2620
- Plea hearings - 1400
- Other hearings - 16,000 (includes continuances, dispositions, motions, dismissals)

The court also held five jury trials. In 2014, the court held 1228 in-custody video hearings with Snohomish County and 4988 hearings with Marysville jail. This is an increase of almost 3,000 additional cases out of the Marysville jail alone. The court is hoping to implement video hearings with SCORE as well which would be a huge timesaver and improve safety risks.

The court is looking into ways to decrease the number of warrants by increasing the number of people who show up for their court date such as recalling warrants to other jurisdictions. The hope is that this will reduce the number of people arrested for outstanding warrants. The court has also implanted a plain paper warrant process. This represents both cost and time savings to court staff. The court is always looking for ways to make things more efficient.

The probation monitor continues to monitor the behavior of defendants on active probation. Her caseload averages 146 cases per month with intensive supervision cases at an average of five per month. She conducts an average of 72 appointments per month. This is a vital role in keeping the community safe.

Significant Highlights from 2014:

- The court moved to a new recording system (AV CaptureAll Recording system). This has greatly simplified the process of providing recordings to the public.
- The court hosted two mock trials for students from the 10th Street School and Archbishop Murphy. Judge Towers was very impressed with the level of preparation of the students.
- She and Judge Gillings also signed and reviewed five search warrants

In 2015 the court anticipates that the high volume of cases will continue to grow. The court continues to be forward thinking by partnering with others to respond to evolving challenges within the judiciary. She acknowledged Suzy Elsner for her excellent work with the court and introduced other court personnel. She thanked the staff and the Mayor for all their support.

Councilmember Toyer asked how many warrants are out now. Judge Towers replied that it is 2,353.

Councilmember Norton said she also observed the mock trial last week. It was a great experience. She thanked the court for providing that experience for the students.

Audience Participation

Raymond Miller, 17502 Spring Lane Avenue, Marysville, WA 98271, stated that he is a member of the Washington State Salaries Commission; Chair of the 38th Legislative District of Democrats; and Vice Chair Snohomish County Branch NAACP. He gave a brief history of African American History Month. He is involved with the showing of a film at Edmonds Community College called *Breath of Freedom* which highlights the lives of several African Americans who served during World War II and helped integrate the US military. He said he just wanted to introduce himself and offer his assistance if there is anything he can do for the City.

Karen Miller, 4529 - 133rd Place NE, Marysville, WA, expressed concern about the increase in crime in Marysville. She announced that there is an SCCC Community Discussion Group, a Snohomish County Crime and Community Group, and Marysville Crime and Community Group on Facebook. A lot of people are getting fed up with the crime in the area. She suggested that the Council join some of these groups to find out what people are saying. She commended the Police Department for the work they are doing. She said she has heard that there is the same number of police officers even though the area has grown through annexations. She has also heard that Arlington[™] and Everett pushed their homeless out and they ended up in Marysville. She discussed needles that have been found throughout the town. She noted that they seem to be hiding in certain areas like the land across from 116th and across from the military base on 136th. It would be great if there was a law in Marysville that if you are going to have standing land in Marysville then you have to cut down the underbrush. She thinks this would help out a lot. She offered to work with the City to help them out.

Chief Smith responded that the police are very aware of the crime issues in the city. He commented that crime is actually going down in the City. Social media information is out there, regardless of how credible it is, and something that has to be dealt with. As far as camping, the police and City Council are extremely active. The City Council has been willing to address any issues as long as it's legally correct. The Police Department's focus is to drive down crime by 20%. Last year major crime was driven down by about 9% and continues to trend down. He noted that the City has a very robust citizen watch program. He encouraged the citizens of Marysville to work together to fight crime. He offered to work with social media to make sure the right information is getting out.

Councilmember Seibert asked about staffing levels since the annexation. Chief Smith replied that at the end of 2009 at the time of the annexation, they were right at the end of the recession and were not able to hire officers. Since then the City has hired numerous officers and other staff members.

Councilmember Vaughan thanked Ms. Miller for coming to share her concerns and ideas. He commented that recently the Council has looked at some of the ordinances pertaining to camping on private property. He thinks some of those changes will be very helpful. He noted that some of the problems they have are that the private property owners do not take care of the property. He spoke to the importance of educating and supporting property owners. He also pointed out that recently the police department rolled out an online reporting mechanism on the website. He encouraged the group to take a look at that. He said he put in his request to join the Facebook group.

CAO Hirashima commented that it is a priority of the Mayor and Council to stay on top of the encampments. She reviewed ways that they have done that. She commented that the 116th site has been a very difficult one. They will continue to work with the property owners and the Tulalip Tribes to address this area.

Mayor Nehring thanked her for coming. He encouraged her to connect with Chief Smith.

Approval of Minutes

1. Approval of the January 5, 2015 City Council Work Session Minutes.

Motion made by Councilmember Norton, seconded by Councilmember Muller, to approve the January 5, 2015 City Council Work Session Minutes. **Motion** passed unanimously (6-0).

2. Approval of the January 12, 2015 City Council Meeting Minutes.

Motion made by Councilmember Wright, seconded by Councilmember Norton, to approve the January 12, 2015 City Council Meeting Minutes. **Motion** passed unanimously (6-0).

Consent

3. Approval of the January 21, 2015 Claims in the Amount of \$1,206,110.87; Paid by Check Numbers 97469 through 97587 with Check Number's 96241, 97159, and 97459 Voided.
4. Approval of the January 28, 2015 Claims in the Amount of \$346,526.53; Paid by Check Numbers 97588 through 97638 with No Checks Voided.
6. Consider Approving the Petition to Construct or Reconstruct a Highway-Rail Grade Crossing.
7. Consider Approving the Amendment to the Construction and Maintenance Agreement with BNSF Railway Company in the Amount of \$372,024.00 with a Management Reserve of \$50,000 - for a Total Authorization of \$422,024.00.
8. Consider Approving the Local Agency Federal Aid Project Prospectus and Local Agency Funding Agreement with WSDOT thereby Securing Funding for the 67th Avenue NE Overlay (88th Street NE to 108th Street NE) Project.
10. Consider Approving the Third Amendment to the Chief Administrator Officer's Employment Contract.

Motion made by Councilmember Vaughan, seconded by Councilmember Toyer, to approve Consent Agenda items 3, 4, 6, 7, 8, and 10. **Motion** passed unanimously (6-0).

Review Bids

Public Hearings

5. Consider an **Ordinance** of the City of Marysville Vacating a Portion of 25th Avenue NE and an Existing Stormwater Detention Pond Located North of 172th Street NE (SR 531) in the City of Marysville, Washington.

Planning Manager Chris Holland stated that Smokey Point Commercial LLC is developing a commercial mixed use site in Lakewood. Through the review process it was determined that WSDOT would not allow a signal to be installed at 25th Avenue. The reason for the vacation is simply to shift the road alignment to the west to approximately the 2300 block of 23rd. Also, as part of this project the applicant would be required to construct portions of 176th Street NE. That 25th alignment will go to 174th Street NE. Staff is recommending Council approve the Ordinance and waive compensation for the vacation.

Public Testimony

Dorothy Bolton, PO Box 33, North Lakewood, WA 98259, 17316 33rd Drive NW, Stanwood, said she has been a resident of Lakewood for 42 years and has lived adjacent to 172nd on the far west end. She asked the following questions concerning the Smokey Point Development:

- Why is development of an access to 172nd being considered now after the development has already started? She asked to see a copy of the impact statement that was developed before construction was started.
- How do you determine that the adding of the roundabout at the proposed new 23rd Avenue will improve movement of traffic at 172nd Avenue when traffic will have to slow down by at least 15 mph in order to travel to the roundabout?
- When the train is passing through the crossing and traffic is sitting for ten minutes, how do you envision the roundabout working at that time?
- What access will the Lakewood School District buses have to pick up students that currently live down 25th and will this be user friendly to them?
- What financial benefit will all this development be to the people of the Lakewood area?

She commented that the people in Lakewood see themselves as a community. She read in the proposal that this will bring in revenue for Marysville. She stated that she doesn't see Lakewood as being a fundraiser for Marysville.

Betty Williams, 4216 – 174th Place NW, Stanwood, WA 98292, said she travels 172nd almost daily. She asked the following questions:

- What exactly is the City trying to accomplish and what is the ultimate goal of the whole project?
- Where are the studies that indicate that roundabouts validate their use?
- What percentage of Marysville residents use the roads in question versus the percentage of non-residents?
- Who do the people who use 172nd call regarding traffic accidents and violations in the area?
- Have there been any studies regarding traffic accidents at Smokey Point Blvd. and 172nd Street corridor from Smokey Point west to the railroad tracks that would justify the roundabout project. If so, where can citizens obtain a copy of that report?
- Have there been considerations regarding school traffic, railroad tracks, current traffic delays on 172nd Street going west, current gridlock on 172nd Street, and the constant intrusion of bad drivers?

Steve Molsom, 1457 130th Avenue NE Bellevue, 98005, spoke on behalf of the developer. He explained that they worked hard to maintain 25th under its current configuration and staff recommended a signal at that location. After the traffic study process, it was determined that a roundabout would be the best option for the current and future of the area. He commended staff for looking down the road to the future, not just their project. He acknowledged that there is a lot of traffic out there, but he thinks this solution will be a good one. He offered to answer any questions that the Council might have.

The public hearing was closed at 7:58 p.m.

Councilmember Seibert asked Planning Manager Holland if a new road would be built for the vacation of the property. Planning Manager Holland referred to condition was

that either a permanent or a temporary solution was in place before the construction of a roundabout. The temporary road would meet the same standards as the road that is there now.

Planning Manager Holland stated that as part of the 2015 Comprehensive Plan Update staff is looking at citywide transportation updates and is looking at transportation master plan of that area.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to adopt Ordinance No. 2990. **Motion** passed unanimously (6-0).

New Business

9. Consider the Marysville Golf Course Management Agreement with Premier Golf Centers LLS of Seattle, Washington to Assume Management Operations of Cedarcrest Golf Course effective March 1, 2015 in the Amount of \$8,000 Per Month Including an Annual Growth Incentive Fee as Recognized within the Agreement.

Parks and Recreation Director Ballew reviewed highlights of the Draft Agreement which is based on models of other cities' agreements. The document has been reviewed by the City Attorney. He stated that staff was impressed with Premier's ability to work with the City. There are not a lot of changes.

Finance Director Langdon explained reviewed the financial data.

Councilmember Toyer asked about an increase in admin M&O. Director Ballew noted that was when Dave Castlebury left.

Councilmember Seibert referred to the incentives and asked what the City's goal is in this endeavor. Director Ballew stated that the City's goal is an increase in revenue in order to show a profit. There was question and answer about the details of the incentives. Councilmember Seibert summarized that the City is paying for all the expenses, paying the consultant \$100,000 and paying an incentive if there is a growth in revenue of at least \$21,000 from the prior year. Finance Director Langdon affirmed this. Mayor Nehring pointed out that the City won't have to hire a golf pro on its own through this agreement. Director Ballew commented that the City would be paying for the golf pro, but at a much different scale.

Councilmember Vaughan asked for confirmation that the net is after the City's costs are paid. Finance Director Langdon confirmed that. Councilmember Vaughan referred to the decline in cash flow and asked if that was a result of other courses using Premier. CAO Hirashima wasn't sure of the specific reasons, but noted that there has definitely been a decline. Councilmember Vaughan wondered if there is a point of diminishing returns with the number of golf courses that can benefit from Premier. He noted that they can continue to do it their way and lose or they can jump on board and maybe make it a little better. Regarding the fee schedule, he noted that Marysville's fees are a lower than its

neighbors yet they are still seeing declining rounds. It has been said that the low prices had a negative impact on sales. He wondered if there needs to be changes to the fee schedule in order to be profitable. He expressed concern that any changes in fees need to go through the Parks Board for approval which could potentially interfere with the ability of the consultant to fully exercise their expertise. Regarding Councilmember Vaughan's question about whether or not being with Premier would be a detriment he noted that Everett would see it that way. He thinks there is value in being in a cooperative group of courses. Premier has the staff tools to make that work. Regarding fees, they would recommend them based on the operator. Councilmember Vaughan commented that the tools and the marketing power of the organization are valuable.

Councilmember Muller noted that Premier has talked about raising the margin on rounds by bundling. Director Ballew concurred. He added that the way the budget is developed by Premier they will be able to bring in additional help to maintain the course.

CAO Hirashima commented that the current management team in the City has worked very hard to make the golf course balance. This has kept the course in good condition. She doesn't think the course is in crisis; it is actually in great condition. The issue is the declining trend in revenues. Premier specializes in golf with expertise which is needed in this kind of competitive environment.

Councilmember Vaughan referred to the clause regarding to Termination for Convenience which means the City can terminate with or without cause. He commented that this is a good sign because companies who put that in generally do that because they believe they can deliver.

Motion made by Councilmember Vaughan, seconded by Councilmember Muller, to approve the Marysville Golf Course Management Agreement with Premier Golf Centers LLC of Seattle, Washington to Assume Management Operations of Cedarcrest Golf Course effective March 1, 2015 in the Amount of \$8,000 Per Month Including an Annual Growth Incentive Fee as Recognized within the Agreement. **Motion** passed unanimously (6-0).

11. Consider the Second Amendment to Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities.

Finance Director Langdon explained that during the 2015 budget process staff met with Fire District 12 to talk about the formula for services. They agreed to alter that formula for 2015 based on the study that the City had done for fire services. The Fire District approved it also. This formalizes what was adopted in the budget.

Councilmember Seibert asked for an explanation of numbers on the Agreement. Finance Director Langdon reviewed those.

Motion made by Councilmember Muller, seconded by Councilmember Wright, to approve the Second Amendment to Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities. **Motion** passed unanimously (6-0).

Mayor's Business

Mayor Nehring:

- He and Councilmember Muller attended the YMCA annual campaign kickoff. He commented on what a valuable resource the YMCA is to the community.
- The Governmental Affairs Committee meeting with the Tulalip Tribes will be on Thursday at 8 a.m.
- Ribbon cutting for the new RE/MAX office will be on Thursday at 3:30.

Staff Business

Chief Smith:

- The Regional Property Crimes Unit wrote several warrants last week.
- The NITE team has served several warrants and continues to work very hard. Within the last two weeks they served a warrant at 103rd and ended up getting over ½ pound of heroin and over ½ pound of meth and some cash.
- He reported that for the month of January both theft and all major crimes are down. This is especially impressive when you compare this year to last year. He commended everyone involved in this effort.
- New World practitioners are very pleased with the system.
- The police are looking at getting better crime analytics information with BAIR Analytics which actually puts information out to the community.

Sandy Langdon:

- Systems Analyst Mike Davis started with the City today.
- Staff is working on finalizing the budget and preparing the annual report.
- Staff is keeping an eye on the state budget especially any of the shared revenues.

Kevin Nielsen:

- The Sunnyside Water Filtration Plant is out to bid.
- 116th to 136th should be out to bid in a couple weeks.
- The City should be receiving a final draft on the IJR for 529 this week.
- SR 529 southbound lanes have been closed on the weekend while the looping mechanism is being worked on. This will continue for two more weekends.

Jim Ballew had no comments.

Gloria Hirashima stated the need for an Executive Session to discuss four items – one will be real estate with no action; one will be personnel with action expected; two items regarding collecting bargaining with no action expected. This is expected to take 15 minutes.

Call on Council

Kamille Norton congratulated the Police Department on the great crime statistics. She also congratulated Parks on the great father daughter event.

Steve Muller commented on how amazing the Brightwater facility is. He thanked staff for setting up the tour.

Rob Toyer had no comments.

Jeff Seibert:

- He asked Chief Smith if there is a Facebook page that he would recommend people to follow for accurate information. Chief Smith replied that the City set up a Twitter account last year. They are in the process of setting up a Facebook page as well but they are not ready to do that yet due to the importance of keeping it very up to date.
- He asked Kevin Nielsen if the bridge at Snohomish River is the one that will be closed. Director Nielsen confirmed that.
- He asked staff if the RFA data about the levy rate and the difference between the perception that the Fire District had and the actuals would be available for review prior to the meeting. CAO Hirashima indicated they would try to compile information to share with the committee prior to the meeting for those who can make it early.

Donna Wright:

- She had the privilege of representing the Mayor at the ribbon cutting for the dialysis facility.
- She asked who is going to Olympia and asked if there is a schedule. Mayor Nehring said that he, Councilmember Wright, Councilmember Muller, and Gloria Hirashima are going. He will forward the schedule.

Jeff Vaughan:

- Thanks to Public Works for the Brightwater tour on Friday.
- He commented on the importance of being active on social media.

Adjournment

Mayor Nehring recessed the meeting at 9:13 p.m. and reconvened in Executive Session at 9:20 to discuss four items – one real estate item with no action; one personnel item with action expected; and two items regarding collecting bargaining with no action expected for a total of 15 minutes.

Executive Session

A. Litigation

B. Personnel: 1 items - RCW 42.30.110(1)(b) action expected , 1 item – RCW 42.30.110(1)(g) no action expected, 1 item – RCW 42.30.140(4)(a) no action expected

C. Real Estate

Executive Session extended 10 minutes.

Executive Session extended 5 minutes.

Executive session ended and public meeting reconvened at 9:55 p.m.

Motion made by Councilmember Muller, seconded by Councilmember Wright to sign the settlement agreement as discussed in executive session. **Motion** passed unanimously (6-0).

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:55 p.m.

Approved this 2 day of March, 2015.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk