

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Presentations	
Employee of the Month - Anne Miller, Senior Land Development Review Engineer	Presented
Volunteer of the Month - Lynda Robinson	Presented
Proclamation - Marysville Soroptimist Appreciation Day in Honor of Maude Barrett, Foy Cordner, Rosie Reynaud, and Donna Wright for More than 100 Years of Combined Community Service	Presented
Proclamation - National Police Week	Presented
Approval of Minutes	
Approval of April 23, 2012, City Council Meeting Minutes.	Approved
Consent Agenda	
Approval of April 18, 2012, Claims in the Amount of \$346,226.59; Paid by Check Number's 76608 through 76752.	Approved
Approval of April 25, 2012, Claims in the Amount of \$401,104.84; Paid by Check Number's 76753 through 76890.	Approved
Approval of April 20, 2012, Payroll in the Amount of \$798,761.03; Paid by Check Number's 25347 through 25386.	Approved
Approval of May 2, 2012, Claims in the Amount of \$1,172,308.19; Paid by Check Number's 76891 through 77017 with Check Number 76884 Voided.	Approved
Authorize the Mayor to Sign the Interlocal Agreement between the City of Granite Falls and the City of Marysville for Outdoor Video Services.	Approved
Acknowledgement the City of Marysville Applied for \$10,218 in Federal Jag/Byrne Grant Funding to Purchase a Walk In Freezer.	Approved
Approval of the 2012 Strawberry Festival Permit Proposal as Required by the Master Permit Agreement Currently with the City of Marysville. Approval Includes the Marysville Kiwanis Club Beer and Wine Garden and Pancake Breakfast Event as a Strawberry Festival Sponsored Event Subject to Receipt of Specific Liability Insurance Coverage as Required by the City.	Approved
Approval of the Special Event Permit Application for Marysville Downtown Merchants Association to Conduct a Special Event on July 14, 2012, Including the Street Closure of 3rd Street between State Avenue and Alder Avenue, as Requested by the Applicant.	Approved
Approval of the Special Event Permit Application for Marysville Downtown Merchants Association to Conduct a Special Event on August 10th, August 11th, and August 12th, 2012, Including the Street Closure of 3rd Street between State Avenue and Alder Avenue, as well as the Alley between 3rd Street and 4th Street, as Requested by the Applicant.	Approved
Approval of the Recommended Refund Policy and Related Administrative Fee Changes as Approved by the Parks and Recreation Advisory Board Effective June 1, 2012.	Approved
Authorize the Mayor to Sign the Second Amendment to 2003 Agreement between City of Marysville and Public Utility District No. 1 of Snohomish	Approved

County for Water Supply.	
Approve the Change Order No. 2 for the Municipal Court Emergency Roof Repair with Riverside Roof, LLC in the amount of \$2,894.43 including Washington State Sales Tax.	Approved
Authorize the Mayor to accept the Municipal Court Emergency Roof Repair Project and starting the 45-day lien filing period for project closeout.	Approved
Review Bids	
Public Hearing	
New Business	
Adopt a Resolution of the City of Marysville Opposing the Impact of Increased Rail Traffic in Marysville Resulting from the Proposed Rail Terminal Project in Whatcom County and Requesting the Principal Agencies Reviewing the Environmental Impact Statement (EIS) for Said Project; Including Whatcom County, Washington Department of Ecology, and the United States Corps of Engineers, Include Impacts Along the Train Route for Freight Moving to the Proposed Terminal in the Scoping Document for the EIS.	Approved Res. No. 2325
Adopt an Ordinance of the City of Marysville, Washington, Adopting the 2012 - 2016 Community Development Block Grant Consolidated Plan Pursuant to 24 Code of Federal Regulation (CFR) Part 91.	Approved Ord. No. 2896
Adopt an Ordinance of the City of Marysville, Washington, Establishing a Citizen Advisory Committee for Housing and Community Development; and Adding a New Chapter 2.92 to the Marysville Municipal Code.	Approved Ord. No. 2897
Legal	
Mayor's Business	
Approve the reappointment of Toni Mathews to the Salary Commission.	Approved
Approve the reappointment of Robert Weiss to the Salary Commission.	Approved
Staff Business	
Call on Councilmembers	
Adjournment	8:14 p.m.
Executive Session	8:20 p.m.
Litigation – 3 items	
Adjournment	8:35 p.m.



Regular Meeting
May 14, 2012

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Steve Thompson from Victory Four Square Church gave the invocation. Mayor Nehring 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, Carmen Rasmussen, Jeff Seibert, Michael Stevens, Rob Toyer, and Jeff Vaughan

Absent: Donna Wright

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Commander Lamoureux, Senior Planner Chris Holland, Parks and Recreation Director Jim Ballew, Recording Secretary Laurie Hugdahl.

Mayor Nehring noted that Councilmember Wright had requested an excused absence because she would be out of town tonight.

Motion made by Councilmember Seibert, seconded by Councilmember Stevens, to excuse the absence of Councilmember Wright. **Motion** passed unanimously (6-0).

Committee Reports

Councilmember Rasmussen reported on the May 9 Marysville Parks and Recreation Board meeting:

- There was a presentation by the Historical Society regarding the site plan and proposal for a new museum and multi-use facility. Councilmember Rasmussen stated that she has copies of the proposal for any Council members who are interested.

- The Park Board voted to prohibit smoking at the skate park due to maintenance issues it is causing. This will require the City Attorney to craft a suitable ordinance and send it to the Council for approval.
- Director Ballew talked about Challenge Day on June 2 from 10 to 2 at Allen Creek Elementary. The *95210 for Health Campaign* will be unveiled at the Healthy Communities Challenge Day. This program encourages people to: get nine hours of sleep, eat five servings of fruits and vegetables every day, limit screen time to no more than two hours a day, get one hour of exercise every day, and don't have any sugary drinks.
- There was discussion about an idea to have something similar to the Bellevue Botanical display at the Tour of Lights this year. The Board is soliciting people who would be willing to help with this as a community event.
- Director Ballew provided a draft of bylaws for a proposed Marysville Community Foundation which would be a 501(c)3 that would help with community projects.

Steve Muller reported on the May 10 Library Board meeting:

- Kevin Nielsen spoke about facility budgets. For the most part the building is in great shape, but there are some issues with the HVAC that they are working on.
- There was a presentation from Sno-Isle about their new foreign language program online.

Presentations

A. Employee of the Month

Anne Miller, Senior Land Development Review Engineer, was recognized as Employee of the Month for April 2012.

B. Volunteer of the Month

Lynda Robinson was recognized as Volunteer of the Month for the volunteer hours she has given, enhancing the quality of life for the Citizens of Marysville through her service to the Diversity Advisory Commission.

C. Proclamation - Marysville Soroptimist Appreciation Day in Honor of Maude Barrett, Foy Cordner, Rosie Reynaud, and Donna Wright for More than 100 Years of Combined Community Service

Mayor Nehring read the proclamation declaring May 17 as Marysville Soroptimist Appreciation Day in Honor of Maude Barrett, Foy Cordner, Rosie Reynaud, and Donna Wright for More than 100 Years of Combined Community Service.

D. Proclamation - National Police Week

Mayor Nehring read the Proclamation proclaiming the week of May 13 – 18, 2012 as Police Week and further recognizing Tuesday, May 15 as Peace Officers' Memorial Day

in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty. There will be a ceremony at 9 a.m. at the Marysville Library. The public is invited to attend.

Audience Participation

None.

Approval of Minutes

1. Approval of April 23, 2012, City Council Meeting Minutes.

Motion made by Councilmember Muller, seconded by Councilmember Seibert, to approve the minutes as presented. **Motion** passed unanimously (6-0).

Consent

Director Nielsen removed item 8 which was moved to immediately follow the Consent Agenda.

2. Approval of April 18, 2012, Claims in the Amount of \$346,226.59; Paid by Check Number's 76608 through 76752.
3. Approval of April 25, 2012, Claims in the Amount of \$401,104.84; Paid by Check Number's 76753 through 76890.
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7. Authorize the Mayor to Sign the Interlocal Agreement between the City of Granite Falls and the City of Marysville for Outdoor Video Services.
9. Acknowledgement the City of Marysville Applied for \$10,218 in Federal Jag/Byrne Grant Funding to Purchase a Walk In Freezer.
10. Approval of the 2012 Strawberry Festival Permit Proposal as Required by the Master Permit Agreement Currently with the City of Marysville. Approval Includes the Marysville Kiwanis Club Beer and Wine Garden and Pancake Breakfast Event as a Strawberry Festival Sponsored Event Subject to Receipt of Specific Liability Insurance Coverage as Required by the City.
11. Approval of the Special Event Permit Application for Marysville Downtown Merchants Association to Conduct a Special Event on July 14, 2012, Including

the Street Closure of 3rd Street between State Avenue and Alder Avenue, as Requested by the Applicant.

12. Approval of the Special Event Permit Application for Marysville Downtown Merchants Association to Conduct a Special Event on August 10th, August 11th, and August 12th, 2012, Including the Street Closure of 3rd Street between State Avenue and Alder Avenue, as well as the Alley between 3rd Street and 4th Street, as Requested by the Applicant.
13. Approval of the Recommended Refund Policy and Related Administrative Fee Changes as Approved by the Parks and Recreation Advisory Board Effective June 1, 2012.
17. Authorize the Mayor to Sign the Second Amendment to 2003 Agreement between City of Marysville and Public Utility District No. 1 of Snohomish County for Water Supply.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to approve Consent Agenda items 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, and 17. **Motion** passed unanimously (6-0).

8. Acceptance of the Marysville Municipal Court House Emergency Roof Repair Project, Starting the 45-Day Lien Filing Period for Project Closeout.

Director Nielsen explained that staff wants to include Change Order No. 2 in accepting the Municipal Court Emergency Repair Project. He noted that this is totally covered through the insurance company.

Motion made by Councilmember Rasmussen, seconded by Councilmember Muller, to approve the Change Order No. 2 for the Municipal Court Emergency Roof Repair with Riverside Roof, LLC in the amount of \$2,894.43 including Washington State Sales Tax. **Motion** passed unanimously (6-0).

Motion made by Councilmember Rasmussen, seconded by Councilmember Stevens, to authorize the Mayor to accept the Municipal Court Emergency Roof Repair Project and starting the 45-day lien filing period for project closeout. **Motion** passed unanimously (6-0).

Review Bids

None.

Public Hearings

None.

New Business

14. A Resolution of the City of Marysville Opposing the Impact of Increased Rail Traffic in Marysville Resulting from the Proposed Rail Terminal Project in Whatcom County and Requesting the Principal Agencies Reviewing the Environmental Impact Statement (EIS) for Said Project; Including Whatcom County, Washington Department of Ecology, and the United States Corps of Engineers, Include Impacts Along the Train Route for Freight Moving to the Proposed Terminal in the Scoping Document for the EIS.

Tom Ehrlichman and Barbara Dykes from Salish Land Policy Solutions followed up on their presentation last year regarding possible impacts of the Cherry-Point Coal Terminal. Mr. Ehrlichman gave an update on the status of the permit process. He reviewed the numerous permit approvals that the project is required to receive. The State has decided to step in and become a co-lead for purposes of the State Environmental Policy Act Review. This proposal requires Environmental Review not only under SEPA, but also NEPA. The Department of Ecology, Whatcom County, and the U.S. Army Corps of Engineers have all entered into a Memorandum of Agreement where they will serve as co-lead agencies during the EIS process. The Corps has already determined that an EIS is needed based on an application submitted by Burlington Northern to expand its rail line from the Custer spur on the main line and out to Cherry Point and also based on the preliminary submittals by SSA Marine, the Applicant. Mr. Ehrlichman summarized that the EIS applications have now been filed with Whatcom County and have been determined to be complete, so the Environmental Review process is about to begin. A preferred consultant has been selected, but the contract negotiations with the consultant have not been completed. Mr. Ehrlichman believes the review will start in July. After it starts, the public will be invited to provide comments for 60 days on the suggested scope of the review. After that the consultant will begin working on the review process.

Mayor Nehring expressed appreciation for the presentation and the work that Mr. Ehrlichman and Ms. Dykes are doing. He stated that he and others had a meeting with state representatives today and will continue addressing the impacts to Marysville. He asked Mr. Ehrlichman about the number of cities that are involved in lobbying in this issue at this point. Mr. Ehrlichman and Ms. Dykes recalled that Bellingham, Mt. Vernon, Burlington, Skagit County Commissioners, Port of Skagit, City of Marysville, City of Edmonds, Winlock, Seattle, King County Executive, Bainbridge Island, Washougal, Cheney, and some other cities along the Columbia River Valley have all been involved to some extent. He noted that there is a total of six coal port terminals proposed for Washington and Oregon. Mayor Nehring expressed his concern about the trains, especially regarding traffic in Marysville.

Councilmember Rasmussen asked if a representative from Washington State Ferries or the City of Kingston has been involved due to the impact of the ferry traffic in Edmonds, effectively sealing off drivers from the holding area to the actual ferry. Ms. Dykes said they have not heard anything from the City of Kingston, nor has the ferries director taken any position on it at this point that she knows of. Mr. Ehrlichman added that the

Washington State Transportation Commission will be meeting later in May, but they have not weighed in formally yet on the issue.

Mayor Nehring commented that some of the numbers of jobs being created seem high to him. He asked for more information regarding the number of jobs that this is expected to create. Mr. Ehrlichman said the Applicant has said on their applications that it will create 213 jobs. He explained that Communitywise Bellingham is developing factual information about this. Communitywise Bellingham commissioned a study on employment numbers; the consultants concluded that if the coal terminal has more than a 17% negative effect on Whatcom County's projected job growth, then it would be a break even. If there is more than a 17% negative effect, it would actually be a net negative jobs growth scenario. The group pointed out that one of the main economic drivers in Whatcom County is quality of life so they tried to assess some of that possible adverse effects. He noted that the Corps will be required to look at cumulative economic impacts.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to approve Resolution No. 2325. **Motion** passed unanimously (6-0).

15. An Ordinance of the City of Marysville, Washington, Adopting the 2012 - 2016 Community Development Block Grant Consolidated Plan Pursuant to 24 Code of Federal Regulation (CFR) Part 91.

Senior Planner Chris Holland reviewed this item. He explained that Marysville is now a community of 50,000 people, which means we are an entitlement community eligible to administer the Community Development Block Grant (CDBG) program managed by the federal government through HUD. One of the steps in that process is to adopt a Consolidated Plan. This includes both the 5-year Strategic Plan and a 1-year Annual Action Plan. The 1-year Annual Action Plan lays out funding allocations of approximately \$217,000 to administer in program year 2012. The City is also looking into administering a rehab revolving loan program in the future.

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to approve Ordinance No. 2896. **Motion** passed unanimously (6-0).

16. An Ordinance of the City of Marysville, Washington, Establishing a Citizen Advisory Committee for Housing and Community Development; and Adding a New Chapter 2.92 to the Marysville Municipal Code.

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to approve Ordinance No. 2897. **Motion** passed unanimously (6-0).

Legal

None.

Mayor's Business

18. Salary Commission Reappointments: Toni Mathews and Robert Weiss.

Motion made by Councilmember Stevens, seconded by Councilmember Seibert, to approve the reappointment of Toni Mathews to the Salary Commission. **Motion** passed unanimously (6-0).

Motion made by Councilmember Stevens, seconded by Councilmember Seibert, to approve the reappointment of Robert Weiss to the Salary Commission. **Motion** passed unanimously (6-0).

Other Mayor's Business:

- Mayor Nehring attended the annual Soroptomist Banquet and enjoyed the event. He appreciates the work that service club does.
- The SERS Board approved an antennae site lease with DEM for Fraley Mountain. Also, the Future Funding Committee work is culminating with a proposal regarding continuing the SERS system between 2015 and 2020.

Staff Business

Jim Ballew:

- Thursday was the Keller Williams Day of Service at Comeford Park. Over two dozen agents came down and invested about four hours worth of labor. The Keller Williams agents supplied and planted perennials and annuals and power-washed all of the equipment at the park. This was greatly appreciated.
- He met with representatives from the Historical Society and the Rasmussen family, who the SR 529 Bridge is named after, about a memorial. The City is looking at accepting a donation from both WSDOT and the contractor in terms of a cutaway of the existing concrete rail. They are also working with the Historical Society to work on funding to complete a display.

Robb Lamoureux:

- There will be an event for National Police Week tomorrow morning at library at 9:00 a.m. to honor officers who have been killed in the line of duty. All are welcome to attend.
- The NMOA (National Motor Officers Association) Conference will be held this week at the Tulalip Resort Casino. The event is being sponsored by the Lynnwood Police Department.
- The Burglary Strike Team kicked off on Monday. On the first day they met, the Strike Team identified a couple of burglars and made two arrests.

Kevin Nielsen:

- Kari Chennault received an \$800,000 grant for the City to upgrade the decant facility. He commended Kari's hard work.
- He gave an update on the Crown Pacific site. He reported the good news that the clay held the water in place so it didn't migrate as far as staff feared it might.
- He noted that the coal train issue is a huge issue nationwide. He even heard a lot about it when he was in Montana recently.

Doug Buell:

- There will be a work party on Saturday at the dog park where an Eagle Scout project will complete a bridge over the river rock.
- The Diversity Advisory Committee met today. They have designed a brochure highlighting their purpose in the community. The group will also have a group at the Healthy Communities Challenge Day.

Chris Holland had no comments.

Sandy Langdon informed Council that the entrance conference with the auditors will be this Wednesday at 4:30.

Grant Weed:

- He reported the sad news of the loss of Everett City Councilman Drew Nielsen over the weekend in a rafting accident. He will be greatly missed.
- He announced the need for an Executive Session to address three items concerning pending litigation. No action was requested and it was expected to last 15 minutes.

Gloria Hirashima:

- She thanked Chris Holland for his work on the CDBG Plan. This will be a huge asset to the community.
- She thanked the Mayor for acknowledging Anne Miller for her work on CRW Project. This was a huge project that involved many staff members. She also acknowledged Anne, as well as Community Development staff, IS staff, and Fire and Public Works for their contributions to that project.
- The Chamber will be sponsoring a business fair at the Hibulb Cultural Center on Monday, May 21 from 12 to 4 p.m.
- The fire district would like to hold a joint workshop with the City Council to discuss fire annexation. She asked the Council if they would like to set up a subcommittee or meet as a whole Council. There was consensus to hold a joint workshop with the fire district in June to discuss when and whether we can advance that plan.
- She acknowledged the sad passing of Councilmember Drew Nielsen in Everett. The Council and staff have signed a card that will be going to the City of Everett.
- She thanked Public Works and all the departments that have been working on grant applications.

Call on Councilmembers

Carmen Rasmussen:

- She expressed condolences to the family of Drew Nielsen.
- Music and Movies in the Parks brochures are out.
- Due to Memorial Day, the next Council meeting will be on Tuesday, May 29, and she will be unable to attend due to work commitments. She also may be late on June 4.

Steve Muller had a nice conversation with the auditor.

- He met with the Rasmussen family on Friday and heard many interesting stories. It will be good to recognize them with a memorial.
- He expressed condolences to the family of Drew Nielsen.

Robert Toyer had no comments.

Michael Stevens:

- He echoed condolences to the family, friends, and colleagues of Drew Nielsen.
- He has volunteered to participate in fire ops training on Friday and is looking forward to the experience.
- He encouraged everyone to get out and enjoy the nice weather in our beautiful city.

Jeff Seibert:

- He expressed his condolences about Councilmember Drew Nielsen
- He requested that information about the 2012 Comprehensive Solid Waste Management Plan open houses be posted on the City's website. Director Nielsen indicated they could do that.
- He acknowledged former Mayor Dennis Kendall in the audience as a special guest.

Jeff Vaughan had no comments.

Council recessed at 8:14 until 8:20 p.m. at which time they reconvened into Executive Session. It was announced that the Executive Session would last 15 minutes and cover three items concerning pending litigation with no action requested.

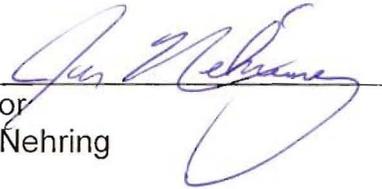
Executive Session

- A. Litigation – 3 items, per RCW 42.30.110
- B. Personnel
- C. Real Estate

Adjournment

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

Approved this 29th day of May, 2012.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk