

# COUNCIL



# MINUTES

## **Regular Meeting** July 25, 2016

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

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Jeff Hastings of Reset gave the invocation, and 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, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

**Absent:** Kamille Norton

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, Deputy City Attorney Colin Olivers, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Community Development Director Dave Koenig, Fire Chief Martin McFalls, and Recording Secretary Laurie Hugdahl.

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

**Motion** made by councilmember Vaughan, seconded by Councilmember Stevens to excuse Councilmember Norton. **Motion** passed unanimously (6-0).

### **Committee Reports**

### **Presentations**

A. Police Sergeant Promotion

Matt Goolsby was promoted to Sergeant. Chief Smith reviewed his biography, Mayor Nehring read the Oath of Office, and Larry Buell continued the tradition of passing on his sergeant stripes.

**B. Employee Service Awards**

None

**C. Snohomish Board of Health**

Jeff Ketchel, Environmental Health Director, and Heather Thomas, Communications and Public Affairs Officer, from the Snohomish County Board of Health made a PowerPoint presentation regarding Investing in a Healthier Marysville. The Board of Health requested that the City contribute \$2 per capita to the Snohomish Health District to deal with the 21<sup>st</sup> century issues they are trying to address such as emerging diseases, the opioid epidemic, childhood obesity, marijuana and vaping, healthy housing, adverse childhood experiences and toxic stress, social determinants of health, and healthy years of life.

Councilmember Toyer asked what the Health District's main source of funding is. Mr. Ketchel replied that it comes from county, state, federal grants, fees and permits (like restaurants) and some charges for services. He explained that they do not have taxing authority.

**Audience Participation**

Jason Tucker, 5212 - 138<sup>th</sup> Street NE, Marysville, WA, spoke regarding the RFA. He commented that after many discussions with the Council, Mayor Nehring, the District and neighboring districts, he believes the RFA model is the way to go for the Fire District and for the citizens of the region. It will sustain long term funding for the service and will improve other services within the city. He noted that there are model RFA's such as Kent, Renton, and Auburn throughout the state. He spoke to the importance of equal representation of the board and coming together for an agreement on a governance model. He suggested looking at the Feasibility Study before making any decisions.

Mark Epstein, 3521 – 68<sup>th</sup> Drive NE, Marysville, WA, 98270, stated he has been a resident of Marysville for 30 years and has a number of firemen he considers friends. He believes a city fire department will not be able to support public safety. Considering the growth in Marysville, a city fire department would result in more property damage and lives lost. He thinks the RFA will enable the fire department to be financially sustainable.

Val Roth, 1812 – 2<sup>nd</sup> Street, Marysville, WA, spoke in favor of the RFA. She has lived in Marysville for 66 years and is married to a retired Everett firefighter. Her father was a volunteer firefighter in Marysville. She thinks the money needs to be governed by the people who know what it needs to be used for.

Tyler Dormaier, 5818 – 74<sup>th</sup> Drive NE, Marysville, WA, spoke regarding the RFA. He encouraged the Council to do the right thing and continue to pursue the RFA. He referred to the large number of people here tonight to support the RFA. He expressed concern about funding with a city fire department. He thinks the service will not only remain consistent with an RFA but will get even better.

Daniel Allen, 15231 – 99<sup>th</sup> Drive NE, Arlington, WA, spoke in support of the RFA. Mr. Allen said he worked with Marysville Fire District for 15 years and with the Fire District for 12 years. He referred to the study the City had conducted regarding fire district options. The best option financially was an RFA, and the worst option financially was the city department model. He urged the City to leave the control and personalities at the front door. This should be about service over politics.

Councilmember Vaughan referred to the original study that was done. He asked staff to comment on the original study and the reason the resulting studies were done. CAO Hirashima explained there were concerns with the original study, and Council had asked the City to move forward with an additional study to assess how each of the alternatives would work .

Preston Dvoskin, 11120 – 46<sup>th</sup> Avenue NE, Marysville, WA, spoke regarding the RFA. He stated that the City's safety is at jeopardy due to its growth. He suggested that if the City doesn't do the RFA he wants to know why. He spoke in support of all the firefighters in the City of Marysville.

Krista Longspagh, 17120 Marina Drive, Stanwood, WA, spoke regarding the RFA. She stated it is up to the citizens to decide what they want to provide. She suggested asking them what level of service they want. She expressed frustration that the City hasn't made more progress. She stated that Marysville and District 12 are the same people to her. She questioned the study run by the City's consultant and stated it is obvious that it wouldn't be funded correctly.

Ron Friesen, 4714 – 124<sup>th</sup> Place NE, Marysville, spoke regarding code enforcement policies. He commended the Council and Mayor for passing a significant code enforcement reform. He reviewed the next steps that need to happen. He expressed concern that there is no official written code enforcement policy. He stated that full compliance on all codes should be required, not just effort or improvement.

Community Development Director Koenig stated that he had received an email from Mr. Friesen regarding a specific code enforcement issue concerning four cars in one yard. He had responded that code enforcement has some discretion in their code enforcement duties. The Code Enforcement Officer felt that the neighbor had taken significant effort to try and improve their property and that there were other higher priority items in the community that needed to be addressed. In terms of a policy, the City's goal is to provide good service and respond to people. There is a common goal of improving the community.

Councilmember Stevens stated that the challenge in not requiring full compliance is that it establishes a new bar of compliance. He doesn't agree with stating an expectation and then not requiring full compliance.

Dean Shelton, 18126 Mariposa Lane, Mount Vernon, WA, stated he has committed a great deal of his adult life to protecting the City of Marysville. He referred to the "costs" discussed by the City and he asked what the value of a life is. He asked the City to consider letting the firefighters and the community make the decision. He noted in 2011 there were layoffs based on finances. At the same time services have continued to rise, but finances have not. He urged everyone to be concerned about the level of service for the community and for the safety of firefighters. He urged the City to continue the partnership with Fire District 12 and pursue the RFA.

Robert Beacher, 9219 – 48<sup>th</sup> Drive NE, Marysville, spoke in support of the RFA. He was a volunteer firefighter with Fire District 12 for 20 years before they combined departments and retired from Marysville Fire Department in 2007. He expressed support for the RFA. He expressed frustration that there is a ladder truck sitting at Station 16 with an inadequate staffing level to use it.

Councilmember Muller expressed appreciation to everyone for coming tonight. He noted that the Council really cares about fire services in Marysville. He noted that the current City financial position is in a downward trend. They want a higher level of service, not a decrease in service. He noted that the RFA doesn't really meet future needs. This issue is so important to the Council that they called a meeting in August when the Council doesn't normally meet. He noted this is a model for the future not just the next few years. He thinks this will grow into a bigger service provider for the region. He noted that Marysville is growing and will continue to grow more than any other area in the region. He commented that the Council cares about the fire department, the community, and the area. He stated that they take pride in providing the best service to the community.

### **Approval of Minutes**

1. Consider the June 27, 2016 City Council Meeting Minutes

Councilmember Muller stated he would be abstaining as he was not present at the June 27 meeting.

**Motion** made by Councilmember Stevens, seconded by Councilmember Wright, to approve the June 27, 2016 City Council Meeting Minutes. **Motion** passed (5-0) with Councilmember Muller abstaining.

16. Consider the July 5, 2016 City Council Work Session Meeting Minutes

Councilmember Stevens stated he would be abstaining as he was not present at the July 5 meeting.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the July 5, 2016 City Council Work Session Meeting Minutes. **Motion** passed (5-0) with Councilmember Stevens abstaining.

17. Consider the July 11, 2016 City Council Meeting Minutes

Councilmember Seibert referred to his comments under Council Comments and clarified that there were 40 new sponsors, not 4 new sponsors.

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

### **Consent Agenda**

2. Consider the July 6, 2016 Claims in the Amount of \$2,602,607.11; Paid by EFT Transactions and Check Numbers 109443 through 109596 with No Checks Voided
3. Consider the July 13, 2016 Claims in the Amount of \$766,693.43; Paid by EFT Transactions and Check Numbers 109597 through 109742 with Check Numbers 109014 and 109033 Voided
4. Consider the Supplemental Agreement No. 1, a No-Cost Time Extension to the Professional Services Agreement for the Filter Reject Project with Systems Interface, Inc.
5. Consider the Supplemental Agreement No. 4, a No-Cost Time Extension, to the Professional Services Agreement for the I-5/SR529 Interchange Expansion Project with HDR Engineering, Inc.
18. Consider the July 20, 2016 Payroll in the Amount \$972,000.80; Paid by EFT Transactions and Check Numbers 30081 through 30118 with Check Number 30080 Issued
19. Consider the July 20, 2016 Claims in the Amount of \$1,052,227.84; Paid by EFT Transactions and Check Numbers 109743 through 109908 with No Checks Voided

**Motion** made by Councilmember Vaughan, seconded by Councilmember Stevens, to approve Consent Agenda items 2, 3, 4, 5, 18, and 19. **Motion** passed unanimously (6-0).

### **Review Bids**

6. Consider Awarding the SR 528 Pedestrian Signal (HAWK) Project with Totem Electric in the Amount of \$250,559.00 including Washington State Sales Tax and

Approve a Management Reserve of \$25,055.90 for a Total Allocation of \$275,614.90

Director Nielsen reviewed this item. Councilmember Seibert referred to issues WSDOT has had with non-controlled intersections and asked if they are okay with this. Director Nielsen stated that it is actually a controlled intersection for pedestrians.

Councilmember Stevens said he thought the crosswalk would be either at Quinn or Alder and not mid-block. Director Nielsen replied that they tried to do it at Quinn or Alder, but WSDOT thinks mid-block will be the safest.

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to authorize the Mayor to sign and execute the SR 528 Pedestrian Signal (HAWK) Project with Totem Electric in the Amount of \$250,559.00 including Washington State Sales Tax and Approve a Management Reserve of \$25,055.90 for a Total Allocation of \$275,614.90. **Motion** passed unanimously (6-0).

7. Consider Awarding the Ebey Waterfront Trail contract with Granite Construction in the Amount of \$267,840.50 including Washington State Sales Tax and Approve a Management Reserve of \$32,159.50 for a Total Allocation of \$300,000.00

Director Nielsen explained this is with grant money. Staff is excited to get the paving done on the Ebey Waterfront Trail.

**Motion** made by Councilmember Muller, seconded by Councilmember Wright, to authorize the Mayor to sign the Ebey Waterfront Trail contract with Granite Construction in the Amount of \$267,840.50 including Washington State Sales Tax and Approve a Management Reserve of \$32,159.50 for a Total Allocation of \$300,000.00. **Motion** passed unanimously (6-0).

## **Public Hearings**

### **New Business**

8. Consider the Application for Marysville Downtown Merchants Association to Conduct a Special Event on August 12th, August 13th, and August 14th, 2016, including the Street Closure of 3rd Street between State Avenue and Alder Avenue, as well as on Columbia Avenue from 2nd Street to the Alley between 3rd Street and 4th Street, as Requested by the Applicant

Director Koenig stated that this is for the Hand Made and Home Grown Street Fair on August 12-14. This was reviewed by city departments with no concerns.

**Motion** made by Councilmember Toyer, seconded by Councilmember Muller, to approve the Application for Marysville Downtown Merchants Association to Conduct a Special Event on August 12th, August 13th, and August 14th, 2016, including the Street

Closure of 3rd Street between State Avenue and Alder Avenue, as well as on Columbia Avenue from 2nd Street to the Alley between 3rd Street and 4th Street, as Requested by the Applicant. **Motion** passed unanimously (6-0).

9. Consider the Local Agency State Aid Project Prospectus and Local Agency Funding Agreement with WSDOT thereby Securing Design Funding for the Citywide Intersection Improvement Project

Director Nielsen stated that this is a federally funded grant project to do intersection improvements throughout the city.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to authorize the Mayor to sign and execute the Local Agency State Aid Project Prospectus and Local Agency Funding Agreement with WSDOT thereby Securing Design Funding for the Citywide Intersection Improvement Project. **Motion** passed unanimously (6-0).

10. Consider the Professional Services Agreement with Stantec for Carroll's Creek Emergency Generator

Director Nielsen stated they would be putting generators at the lift stations that have short retention timings.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Toyer, to authorize the Mayor to sign the Professional Services Agreement with Stantec for Carroll's Creek Emergency Generator. **Motion** passed unanimously (6-0).

11. Consider a **Resolution** Declaring Items of Personal Property to be Surplus and Authorizing the Sale or Disposal

Director Nielsen stated that this is to surplus older police vehicles plus older pumps from the wet wells.

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to authorize the Mayor to sign Resolution No. 2399. **Motion** passed unanimously (6-0).

12. Consider an **Ordinance** Relating to Contracting Indebtedness; Providing for the Issuance, Sale and Delivery of One or More Series of Limited Tax General Obligation Bonds In the Aggregate Principal Amount not to Exceed \$5,300,000 to Provide Funds Necessary to Pay the Costs of Refunding All or a Portion of the City's Outstanding Callable Limited Tax General Obligation Bonds, Series 2007A; Fixing or Setting Parameters with Respect to Certain Terms and Covenants of the Bonds; Providing for and Authorizing the Purchase of Certain Obligations Out of the Proceeds of the Sale of the Bonds and for the Use and Application of the Money Derived from those Investments; Authorizing the Execution of One or More Agreements with a Refunding Escrow Agent or Trustee; Providing for the Call, Payment and Redemption of the Outstanding Bonds to be Refunded; Appointing the City's Designated Representative to

Approve the Final Terms of the Sale of the Bonds and to Take Certain other Actions with Respect to Carrying out the Refunding and Issuance of the Bonds; and Providing for other Related Matters

Finance Director Langdon stated that the City has the opportunity to refinance bonds and can achieve some savings with the current market. Susan Musselman from PSFM reviewed the current refinancing opportunity and details about the proposal as found in the Council packet.

Councilmember Muller asked if they guarantee placement. Ms. Musselman stated that they are independent financial advisors. The bonds will be sold to an underwriting firm and the City will use a competitive nature of sale. It is expected that 8 to 12 firms will bid and it will be awarded to the one with the best terms.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Wright, for the adoption of Ordinance No. 3030. **Motion** passed unanimously (6-0).

15. Consider a **Resolution** Declaring an Emergency and Waiving the Requirement for Public Bidding for Repairs to the Water Main Near State Avenue and 100th St NE

Director Nielsen reviewed emergency work done to repair a water main this week.

**Motion** made by Councilmember Muller, seconded by Councilmember Stevens, to adopt Resolution No. 2400. **Motion** passed unanimously (6-0).

## Legal

### Mayor's Business

13. Consider the Civil Service Commission Appointment: William Foster

**Motion** made by Councilmember Vaughan, seconded by Councilmember Wright, to confirm the appointment of William Foster to the Civil Service Commission. **Motion** passed unanimously (6-0).

14. Consider the CDBG Appointments

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to approve the CDBG Appointments: Cassandra Kunselman, Tom King, Roger Hoen, Kamille Norton, and Donna Wright. **Motion** passed unanimously (6-0).

### Other Mayor's Business:

- There will be groundbreaking tomorrow for the Comcast facility north of here from 11 to noon.

- He and Chief Smith are continuing work on the SnoPac/SnoCom discussions around consolidation. There was a very good session on the delay caused by transfer calls by both agencies.

## **Staff Business**

Chief Smith:

- There is no need for a public safety meeting this week. The SRO's have been working really hard to pull some speakers to the Marysville area regarding anti-bullying issues.
- It was great to promote Matt Goolsby, who is a breath of fresh air.
- He stated that this Council is unequivocally the best Council he has ever worked with. There were comments made by individuals tonight that indicated that the Council didn't care about public safety. He strongly disagreed with that and noted that he has witnessed the Council's great care about the city about public safety on a consistent basis. He thanked the Council for their support of public safety and stated that while there are hard decisions to make, he has faith that they will make the best decision in the interest of all of the employees and citizens of Marysville. He stated that there are partial-truths out there that are skewing the message that the Council deeply, deeply considers the welfare of everyone concerned when they are making their decisions.

Sandy Langdon agreed that the Council supports the City and noted that the financial decisions that the council made put the City in a very good position.

Colin Oliver stated the need for an Executive Session to consider a real estate purchase expected to last 3 minutes with action to follow.

Kevin Nielsen commended the Council's reliable support for public safety. He thinks there were some unfair comments made tonight. He agreed that there were partial truths being thrown around. He expressed faith in the decision that the Council will make.

Jim Ballew:

- The parks are being used much more than they have in the past. The garbage has doubled on certain days.
- He also commended the Council for their confidence and their courage.
- The triathlon will be held on Wednesday at Ebey Park.

Chief McFalls:

- He echoed sentiments of appreciation and support for the Council. He stressed that the fire organization will take whatever decision the Council makes and make the organization an overwhelming success. He thanked the Council for their leadership, dedication and support.
- He commended Sandy Langdon and her staff for a very well done analysis of the financial model.

Dave Koenig stated that the Planning Commission will be meeting tomorrow night for a public hearing to look at the extension of subdivision short plats and BSPs that are set to expire in the next year or so.

Gloria Hirashima:

- National Night Out is August 2. It will be a neighborhood/block party concept. There will be three main gatherings that the City will be organizing.
- She commented that the way the Council has approached the fire decision is commendable and worthwhile. She noted that any of the scenarios is quite viable.

### **Call on Councilmembers**

Jeff Vaughan:

- He commented on the number of people playing PokemonGo and how it is bringing people out to the parks. He thinks it is wonderful.
- It is a great honor for him and two other council members to represent the Council in the Triathlon.
- He appreciates all the comments about the RFA issue and the comments made by staff. He discussed other difficult decisions the Council has had to make. He hopes the facts and the truth will prevail. He expressed appreciation to the staff for all the work they have done on this. He agrees that this is a 30-year decision and will be important to the community for a long time.

Donna Wright had no comments.

Jeff Seibert said he appreciated the input that the firefighters brought. He noted that the City attempted to do an RFA, but it didn't work out. He stressed that the current model is not working and hasn't worked for a long time.

Michael Stevens:

- He is looking forward to the triathlon and thinks they will win.
- He agrees that an attempt at an RFA was made, but might not have been with the full representation of the Council because it was handled at the committee level and the three fire board members were left out of those conversations. He noted that there is a new body of leadership with District 12, and he would recommend that the Council members pursue conversations with them.

Rob Toyer expressed concern about the comments made by individuals tonight. He stated that he wants the best for the City of Marysville and so does everyone else on the Council.

Steve Muller stated he has full faith in the process and in the Council. He thinks they will make a great decision that sets the process in motion to provide fire service in

Marysville and the surrounding area for many years. He stated that the Council had concerns about the original numbers which is why they did another study.

Council adjourned at 9:15 p.m. with a recess for five minutes until reconvening at 9:20 p.m. for three minutes for an executive session to discuss a potential real estate item.

**Executive Session**

- A. Litigation
- B. Personnel
- C. Real Estate – one item, RCW 42.30.110(1)(b)

Executive session ended and public meeting reconvened at 9:23 p.m.

**Motion** made by Councilmember Muller, seconded by Councilmember Stevens, to authorize the Mayor to executed a settlement agreement, temporary construction easement, right-of- way dedication, and associated paperwork with Shon and Jennifer Harvey for the Marshall Elementary Safe Routes to School Project. **Motion** passed unanimously (6-0).

**Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 9:23 p.m.

Approved this 12 day of September, 2016.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk