

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Presentations	
Volunteer of the Month for June - Diane Gardner	Presented
Approval of Minutes	
Approval of June 25, 2012, City Council Meeting Minutes	Approved
Consent Agenda	
Approval of the June 20, 2012, Claims in the Amount of \$1,178,111.74; Paid by Check Number's 77907 through 78071 with Check Number's 77352 and 77715 Voided.	Approved
Approval of June 27, 2012, Claims in the Amount of \$1,668,939.80; Paid by Check Number's 78072 through 78218 with Check Number 76241 Voided.	Approved
Approval of the June 20, 2012 Payroll in the Amount of \$940,067.24; Paid by Check Number's 25575 through 25631.	Approved
Approval of the Interlocal Agreement to Contract for Cooperative Purchasing with Houston-Galveston Area Council (HGAC).	Approved
Approval of the July 4, 2012, Claims in the Amount of \$1,222,367.21; Paid by Check Number's 78219 through 78370.	Approved
Approval of the July 5, 2012, Payroll in the Amount of \$1,484,180.40; Paid by Check Number's 25632 through 25694.	Approved
Review Bids	
Public Hearing	
New Business	
A Resolution of the City of Marysville Amending Bid and Purchasing Policy and Repealing Resolution No. 2313.	Approved Res. No. 2327
An Ordinance of the City of Marysville, Washington, Repealing Chapter 5.46 and Adopting a New Chapter 5.46 Special Events Defining Special Events and Establishing Permit Procedures.	Approved Ord. No. 2901
An Ordinance of the City of Marysville, Washington, Authorizing the Condemnation, Appropriation, Taking and Damaging of Land and Other Property for Purposes of Constructing Utilities adjacent to Soper Hill Road between 87th Avenue N.E. and 83rd Avenue N.E.	Approved Ord. No. 2902
An Ordinance of the City of Marysville, Washington, Amending the 2012 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 2881 as Amended	Approved Ord. No. 2903
An Ordinance of the City of Marysville, Washington, Relating to Development Impact Fees; Amending Section 22D.020.030 OF MMC Chapter 22D.020 to Provide an Option for Deferral of Park, Recreation, Open Space and Trail Impact Fees; Amending Section 22D.030.070 OF MMC Chapter 22D.030 to Provide an Option for Deferral of Traffic Impact Fees; and Amending Section 22D.040.060 OF MMC Chapter 22D.040 to Provide an Option for Deferral of School Impact Fees.	Approved Ord. No. 2904
An Ordinance of the City of Marysville, Washington, Relating to Sewer and Water Connection Charges for Commercial, Industrial and Multi-Family Residential Developments; and Amending Section 14.07.010 of	Approved Ord. No. 2905

MMC Chapter 14.07 Fees, Charges and Reimbursements to Provide an Option for Deferring Payment of Sewer and Water Connection Charges for Commercial, Industrial and Residential Development, and Setting a Sewer and Water Connection Charge for Multi-Family Residential Development.	
An Ordinance of the City of Marysville, Washington Adopting a New Chapter 22J.090 of the Marysville Municipal Code Entitled "Industrial Pilot Program Creating Incentives for Living Wage Jobs" and Adding Sunset and Severability Provisions.	Approved Ord. No. 2906
An Ordinance of the City of Marysville, Washington Amending MMC 22D.030.070 by Adding a New Subsection (4) Related to Adoption of a Temporary Enhanced Discount to Traffic Mitigation Fees for New Construction of Industrial and Commercial Development.	Approved Ord. No. 2907
Legal	
Mayor's Business	
Community Development Block Grant (CDBG) Appointments.	Approved
Staff Business	
Call on Councilmembers	
Adjournment	8:43 p.m.
Executive Session	8:55 p.m.
Litigation – two items	
Adjournment	9:10 p.m.



Regular Meeting
July 9, 2012

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. The invocation was given by Rick Thiessen of Allen Creek Community Church.

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, Jeff Vaughan, and Donna Wright

Absent: None

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

Committee Reports - None

Presentations

A. Volunteer of the Month

Diane Gardner was recognized as Volunteer of the Month for June for her outstanding contributions, compassion, and commitment to community service through volunteer work with the Patient Link Program and Volunteer Rounding Program at Providence Everett Medical Center, and other volunteer work within the Marysville Community.

Audience Participation

Dan Eernisse, 5509 – 17th Avenue NE, Seattle, WA 98105 spoke in favor of the ordinances under items 10A through D. He discussed the benefits to the City of multi-family housing. Multi-family housing continues to provide a strong tax asset for many years; environmentally, it is an efficient use of land; and socially, it unites people closer together. He stated that the City does not need to worry about vacancy signs. These are generally up year-round. Over-building is not really a problem for the citizens or the cities; the only person it would be a problem for would be the owner. He encouraged the Council to adopt all four ordinances under 10A through 10D.

Callie Grossman, 4528 123rd Place NE, Marysville, WA 98271, spoke against the graphic signs advertising bikini baristas in the City, which she feels are offensive and inappropriate. She read the sign section of the Marysville Municipal Code and questioned how this type of signage was compatible with the surrounding land uses (a church and a preschool). She pointed out that it also distracts motorists (which she feels is the point) and interferes with traffic.

Grant Weed explained that the City of Marysville has adopted as strict of regulations for its sign code and business regulations as they believe the law will allow on this matter. The courts have made rulings concerning how far governments can go in regulating expression. The courts have said that in these types of instances the type of clothing the baristas wear is protected by freedom of expression and commercial free speech. In some instances where the City can secure enough evidence that the workers are crossing over the line to indecent exposure or lewd contact, the police can take action. In order to enforce the laws that the City already has, complaints from the public are effective. The City is constantly looking to see if there are other approaches they can take to this issue and is very interested in hearing when citizens have concerns.

Mayor Nehring added that he has received multiple complaints about this issue and the City has tried to address it. The roadblock they run up against is that the City's approach has to hold up in a court of law. The City Attorney has looked at this very closely and spoken with others about the issue. Under the law, the City's code is as strict as it possibly can be.

Councilmember Vaughan agreed with the sentiments expressed. He referred to Ms. Grossman's questions about when a sign becomes a distraction and at what point a sign becomes incompatible with neighboring businesses and other things going on in the community. City Attorney Grant Weed stated that it comes down to what extent government can regulate speech. He explained how courts would view this issue. The compatibility with neighborhood businesses approach would run into the same issue with trying to regulate the message a business puts on a sign.

Approval of Minutes

1. Approval of June 25, 2012, City Council Meeting Minutes.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the June 25, 2012, City Council Meeting Minutes. **Motion** passed unanimously (7-0).

Consent

2. Approval of the June 20, 2012, Claims in the Amount of \$1,178,111.74; Paid by Check Number's 77907 through 78071 with Check Number's 77352 and 77715 Voided.
3. Approval of June 27, 2012, Claims in the Amount of \$1,668,939.80; Paid by Check Number's 78072 through 78218 with Check Number 76241 Voided.
4. Approval of the June 20, 2012 Payroll in the Amount of \$940,067.24; Paid by Check Number's 25575 through 25631.
5. Approval of the Interlocal Agreement to Contract for Cooperative Purchasing with Houston-Galveston Area Council (HGAC).
12. Approval of the July 4, 2012, Claims in the Amount of \$1,222,367.21; Paid by Check Number's 78219 through 78370.
13. Approval of the July 5, 2012, Payroll in the Amount of \$1,484,180.40; Paid by Check Number's 25632 through 25694.

Motion made by Councilmember Rasmussen, seconded by Councilmember Muller, to approve Consent Agenda Items 2, 3, 4, 5, 12, and 13. **Motion** passed unanimously (7-0).

Review Bids

Public Hearings

New Business

6. A **Resolution** of the City of Marysville Amending Bid and Purchasing Policy and Repealing Resolution No. 2313.

Finance Director Langdon reviewed minor corrections that had been made to the Resolution.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Resolution No. 2327. **Motion** passed unanimously (7-0).

New Business

7. An **Ordinance** of the City of Marysville, Washington, Repealing Chapter 5.46 and Adopting a New Chapter 5.46 Special Events Defining Special Events and Establishing Permit Procedures.

Cheryl Dungan reviewed this item. She discussed an event fee comparison sheet that she had distributed from other cities. Staff is recommending an increase in the fee from \$25 to \$100, which is a middle of the road fee for jurisdictions.

Councilmember Muller asked how much staff time this requires. Senior Planner Dungan stated that it varies but is routed between departments and sometimes with other agencies. Smaller events can require only a few minutes while others require several hours. Councilmember Muller asked about having a sliding scale based on the size of the business. Ms. Dungan explained that they changed the number to 100 people before the special events need is triggered. As an example, Parks and Recreation Director Ballew referred to MOM-Fest last year which took well over 20 hours of staff time of preparation and meeting with the organizers before the event even took place.

Councilmember Rasmussen stated that she thinks with the way the code is written now will reduce the number of events that will need to apply for a permit. Those that will be applying will probably be those that will require more staff time. She feels this is appropriate.

Councilmember Toyer asked how many applicants they think it will apply to in a given year. Director Ballew was not sure of the number, but estimated that with the change to 100 people it will likely reduce the number of events almost by half.

Councilmember Seibert asked about notification requirements for events under 100 people. Cheryl Dungan explained that events under 100 people would not need to notify the City. Director Ballew commented that it is very rare that someone sets up a large event without the City's knowledge. Ms. Dungan explained that there are recourses in the code if actions need to be taken by staff as a result of an event.

CAO Hirashima noted in the fee comparison that Woodinville distinguishes between profit events and non-profit events. Director Ballew stated that the City has a non-profit rate for renting facilities.

Motion made by Councilmember Rasmussen, seconded by Councilmember Seibert, to approve Ordinance No. 2901 with the amendment that the fee be changed from \$25 to \$100. **Motion** passed unanimously (7-0).

8. An **Ordinance** of the City of Marysville, Washington, Authorizing the Condemnation, Appropriation, Taking and Damaging of Land and Other Property for Purposes of Constructing Utilities adjacent to Soper Hill Road between 87th Avenue N.E. and 83rd Avenue N.E.

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to approve Ordinance No. 2902. **Motion** passed unanimously (7-0).

9. An **Ordinance** of the City of Marysville, Washington, Amending the 2012 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 2881 as Amended.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Ordinance No. 2903. **Motion** passed unanimously (7-0).

- 10A. An **Ordinance** of the City of Marysville, Washington, Relating to Development Impact Fees; Amending Section 22D.020.030 OF MMC Chapter 22D.020 to Provide an Option for Deferral of Park, Recreation, Open Space and Trail Impact Fees; Amending Section 22D.030.070 OF MMC Chapter 22D.030 to Provide an Option for Deferral of Traffic Impact Fees; and Amending Section 22D.040.060 OF MMC Chapter 22D.040 to Provide an Option for Deferral of School Impact Fees.

CAO Hirashima reviewed the Planning Commission's recommendations for Ordinances under 10A-10D.

Councilmember Muller referred to the May 8 Planning Commission minutes and asked about the reason for staff's original recommendation. CAO Hirashima explained how the amount had developed at the meeting.

Councilmember Muller referred to the deferral plan and recommended that there be some sort of processing fee at the end of 18 months. CAO Hirashima acknowledged that there is definitely a cost associated with tracking these items. She estimated that it costs at least \$200 in administrative costs in addition to recording costs. Councilmember Muller spoke in support of having a fee.

Motion made by Councilmember Muller, seconded by Councilmember Wright, to approve Ordinance No. 2904 with the addition of a \$200 processing fee at the end of the 18-month extension. **Motion** passed unanimously (7-0).

- 10B. An **Ordinance** of the City of Marysville, Washington, Relating to Sewer and Water Connection Charges for Commercial, Industrial and Multi-Family Residential Developments; and Amending Section 14.07.010 of MMC Chapter 14.07 Fees, Charges and Reimbursements to Provide an Option for Deferring Payment of Sewer and Water Connection Charges for Commercial, Industrial and Residential Development, and Setting a Sewer and Water Connection Charge for Multi-Family Residential Development.

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to approve Ordinance No. 2905 with a \$200 processing fee at the end of the 18-month extension. **Motion** passed (6-1) with Councilmember Seibert voting against.

10C. An **Ordinance** of the City of Marysville, Washington Adopting a New Chapter 22J.090 of the Marysville Municipal Code Entitled "Industrial Pilot Program Creating Incentives for Living Wage Jobs" and Adding Sunset and Severability Provisions.

Motion made by Councilmember Rasmussen, seconded by Councilmember Wright, to approve Ordinance No. 2906 with an amendment to delete the portion under "Definitions - Living Wage Jobs" that refers to it being adjusted annually for the CPI.

Councilmember Seibert asked for the reason for deleting the CPI verbiage. Councilmember Rasmussen explained that there are many employers who are not giving wage increases according to the CPI. For the City to impose that on a business at a time when many businesses aren't, including the City itself sometimes, is hypocritical.

Motion passed (6-1) with Councilmember Seibert voting against.

10D. An **Ordinance** of the City of Marysville, Washington Amending MMC 22D.030.070 by Adding a New Subsection (4) Related to Adoption of a Temporary Enhanced Discount to Traffic Mitigation Fees for New Construction of Industrial and Commercial Development.

Motion made by Councilmember Wright, seconded by Councilmember Stevens, to approve Ordinance No. 2907. **Motion** passed unanimously (7-0).

Legal

Mayor's Business

11. Community Development Block Grant (CDBG) Appointments.

Mayor Nehring reviewed the CDBG nominations.

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to authorize the nominations for the CDBG committee. **Motion** passed unanimously (7-0).

Mayor Nehring:

- He presented Director Nielsen with an Outstanding Wastewater Treatment Plant performance Award plaque from DOE.
- He congratulated Grant Weed who was recognized again as a Super Lawyer honoree for government and municipal attorneys.
- He met with a group of individuals at the Historical Society a few months ago who had gone to Austria and met with the mayor of a city in Austria who was interested in becoming a "friend" city. There was consensus to look into this further.

- He and Gloria Hirashima were considering a Friday afternoon/evening retreat to go over a five-year strategic plan for the City prior to budget discussions. Mayor Nehring asked Council to notify him with their availability.
- He noted that the Smell-Free Marysville event was postponed to August.
- Marysville Night at the Aquasox is this Friday at 7 p.m.

Staff Business

Jim Ballew:

- The summer concerts start on Thursday.
- Staff will be off to Granite Falls the following night to present their films.
- Junk in the Trunk will be at Marysville Court Parking Lot from 10 to 3 on Saturday.
- Poochpalooza will be at Strawberry Fields from 10 to 5 on Saturday.
- Jesse Vaughan's Eagle Scout project will be on Saturday at Kiwanis Park.
- There will be a film on Saturday night.
- On Friday a few staff members are going to Olympia to meet with Department of Revenue to get clarification about proposed taxation of recreation and amusement services.
- Parks and Recreation received a grant with Snohomish County Senior Services to renovate the kitchen at the Baxter building.

Chief Smith:

- An event which occurred on Friday is still under investigation.
- Police had a very busy week with the 4th of July. He thanked the three councilmembers who rode along with police last week.

Commander Lamoureux gave an update on the 4th of July fireworks issues. The police took extra steps this year regarding education to get the word out about the laws concerning fireworks. They also utilized fireworks stands in city limits, the TV channel, and the Parks and Recreation Activity Guide to help get the word out. The Burglary Strike team was temporarily redeployed to help with fireworks. From June 21 (the first fireworks-related complaint) through July 8 there were 294 fireworks-related complaints. Officers responded to 91% of those complaints. 16 infractions or citations were issued. 55 warnings were given out. 126 of those complaints were gone by the time officers arrived. 36 were handled by contact. On July 4 the department received 107 fireworks-related calls. He summarized that fireworks-related complaints occurring prior to, but not including July 4, decreased from 64.7% to 54.5% from 2011. Officer response to fireworks-related complaints was 91%. This was an increase from 75% in 2011. This had a lot to do with being able to increase the staffing utilizing the Burglary Strike Team. The warning ratio was approximately 1:4 in 2012; this was a significant increase from 2011.

Chief Smith commended Commander Lamoureux, Lt. Rasmussen, Sgt. Thomas, Sgt. Akau, and all the others that were out there doing enforcement. He reported that they have probably gained some compliance as a community; however, by continuing to

allow fireworks it makes the police's job more difficult. This is the first year in the six years he has been here that the police have been commended for the work they've done on the 4th of July. There was some discussion about the challenges officers face in writing tickets. Chief Smith spoke of the balance that the police department attempts to maintain. Councilmember Seibert requested that a discussion item be brought back to Council to require fireworks stands owners to distribute any safety information that the City provides to them.

Kevin Nielsen:

- Congratulations to Grant Weed for being a Super Lawyer again.
- Currently staff is working on the 67th Street culvert and filling the ditch in.
- In case anyone asks, the blue dye is herbicide. This is a control measure against theft.
- Staff is still working on the ongoing homeless issue.

Sandy Langdon had no comments.

Grant Weed stated the need for an executive session to discuss two matters concerning potential litigation, expected to last 15 minutes with no action required.

Gloria Hirashima:

- Thanks to the Council for their action on all the impact fee ordinances.
- Thanks to the police for all their work prior to, during and after the 4th of July. She commended them for their efforts.
- Congratulations to Public Works for the Wastewater Treatment Plant award.
- There was an article regarding exemptions that Cedar Grove is looking for from the State. The City will be commenting on this with their concerns.
- Congratulations to Grant for the Super Lawyer award.

Call on Councilmembers

Carmen Rasmussen had no comments.

Steven Muller informed everyone that there will be a car show on Saturday. He acknowledged that fireworks is a very tough issue and thanked the police for all they do.

Rob Toyer thanked the police for all their hard work. He appreciated riding along with an officer last week.

Michael Stevens:

- On July 25, Snohomish County Tomorrow will be having two presentations – one in support of the coal train at Cherry Point and one against the coal train at Cherry Point.
- At the Snohomish County Cities Dinner next Thursday, the focus is on sustainability. One of the topics will be Valley View Middle School in the Snohomish School District which is one of his projects.

Jeff Vaughan stated that his son's Eagle Scout project would be on Saturday at 9 a.m. at Kiwanis Park where he will be putting in a 160-foot long pole fence and parking lot. Councilmember Vaughan welcomed any volunteers.

Donna Wright:

- Congratulations to Super Attorney Grant Weed and Public Works for their awards.
- She had the pleasure and eye-opening experience of riding with Police Officer Molly Ingram last week. She reviewed some of the incidents they encountered.
- She asked how much cleanup the City has to do after the 4th of July. Director Nielsen stated that it is usually about three days of sweeping to get it all cleaned up. Chief Smith stated that this is one of the biggest complaints people have related to fireworks.

Jeff Seibert thanked the police for all they do regarding fireworks. He spoke again in favor of banning fireworks.

Mayor Nehring recessed the meeting at 8:43 p.m. until 8:55 p.m. after which time they reconvened into Executive Session. It was announced that Executive Session would last 15 minutes with no action expected.

Executive Session

A. Litigation – 2 items regarding potential litigation, per RCW 42.30.110 (1)(i)

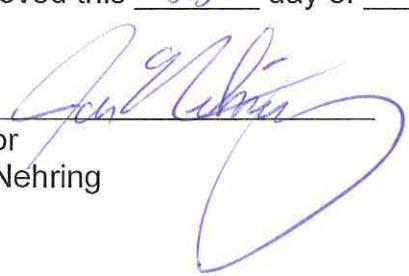
B. Personnel

C. Real Estate


Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:10 p.m.

Approved this 23rd day of July, 2012.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk