

COUNCIL



MINUTES

Regular Meeting October 6, 2014

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m.

Roll Call

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

Mayor: Jon Nehring

Council: Kamille Norton, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

Absent: Steve Muller

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Planning Manager Chris Holland, Asst. Fire Chief Martin McFalls, Human Resources Director Kristie Guy, and Recording Secretary Laurie Hugdahl.

Motion made by Councilmember Norton, seconded by Councilmember Stevens, to excuse Councilmember Muller from the meeting. **Motion** passed unanimously (6-0).

Approval of the Agenda

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

Committee Reports

None.

Presentations

Discussion Items

A. Fire Study

Finance Director Langdon responded to Councilmember Wright's question from an earlier meeting regarding financial information. She distributed a handout comparing property tax (general and EMS) and fire contract amounts over the last 10 years.

Since there had been a question about it earlier, CAO Hirashima clarified that Councilmembers Toyer, Stevens, and Seibert had been the subcommittee meeting members last time.

Councilmember Vaughan referred to the study and asked what staff's expectations were from the group that did the study in terms of a product. CAO Hirashima commented that the budget was not very high so they did not expect a voluminous study, but they did expect them to look at the four scenarios. The consultants did a good job looking at the existing contract and its deficiencies and identifying the reasons why the City shouldn't go forward with the annexation. Not a lot of analysis was done working with a city department because in the consultants' experience that just doesn't occur so they didn't feel that was going to be a viable alternative. Their recommendation ended up being moving forward with an RFA (Regional Fire Authority).

Councilmember Vaughan noted that when he met with the consultant he was told at the beginning of the meeting that the RFA was the best alternative and there really wasn't another viable option. Finance Director Langdon remarked that Bob Merritt, one of the subconsultants, creates RFAs, but the other consultant had assured staff that all options would be reviewed on an equal basis.

Councilmember Wright asked about the option of doing nothing with some modifications. Mayor Nehring stated that it is an option. Finance Director Langdon added that the consultants had recommended that the formula and the contract be revised if the City were to go that route.

Councilmember Norton asked what the things are in the current agreement that could be changed. CAO Hirashima stated it would need to be radically changed because that contract has not served the City or the fire district very well.

Councilmember Seibert asked about the reason for the deficit the fire district had been accruing over the past few years. Finance Director Langdon attributed it mostly to the formula used regarding property taxes. She noted that the annexations also impacted revenue.

Councilmember Seibert asked if the consultant's assessment of the city department used accurate numbers. Finance Director Langdon said it could be correct, but there are many policy issues that could alter it.

Councilmember Vaughan wondered if the City would be better off operationally with an RFA versus the current situation. He asked if anyone has considered the benefits of any

alternative related to scenarios like disaster response. Councilmember Toyer commented that the Fire Board has not discussed that specifically. Councilmember Vaughan acknowledged that there are financial reasons the City might want to go with an RFA, but he wants to make sure the operational side is not negatively affected. He noted that some of the frustration the City has had related to working with the fire district has had to do with things like communication.

Councilmember Seibert noted that during major events in the past there have been some issues with the City and the fire district duplicating efforts because of communication issues. He also commented on issues related to the transfer of the radio systems. He commented that the fire and police department have different needs regarding the radio issue.

Councilmember Norton asked how much it would cost to switch over to an RFA. CAO Hirashima stated that would be part of the RFA negotiation and agreement. She estimated about \$100,000 for the consultant and the election and then negotiation for the rest of the assets.

Mayor Nehring noted that staff would like some direction from the Council as to how they would like to proceed with this. CAO Hirashima asked if any of the Fire Board representatives had any insight as to expectation of timing. Councilmember Stevens commented that the Fire Board had mainly discussed the progress of the City's annexation study. He affirmed that the benefits from the district's perspective were the ability to run a single EMS levy and implications for the tax structure which would give the district more control over how funds are coming in. There are also future benefits to the district moving forward as far as regionalization and the ability to consolidate administrative services. He stated that merging with other neighboring districts is not currently on the table at the district level. The district is eagerly waiting for the City's decision.

Asst. Chief Martin McFalls echoed that the fire district wants to see this move forward. They are hopeful that it would take place by January 1, 2016 which would require it to be on the ballot by April.

Councilmember Toyer said he would like to see this issue go to a committee.

Councilmember Vaughan commented he was not ready to make a decision as he's not sold on any one option yet. He agrees that things need to be handled better and differently, but he's not sure an RFA is the way to go.

Councilmember Seibert concurred with Councilmember Vaughan. He suggested that they could start the distribution of assets process without having final direction since that would need to occur with any of the scenarios.

Mayor Nehring suggested that staff could get together with the district to discuss the study and thoughts about what their recommendations would be. CAO Hirashima stated she has already discussed with the Fire Chief their preferred alternative which is the

RFA. Staff concurs with that recommendation and feels that an RFA could resolve a lot of the issues.

Councilmember Wright spoke to the importance of public education on this topic since it will have to go to a vote of the people. She also commented that they would need the support of the firefighters union since they are a very important part of this.

Councilmember Vaughan felt this would move more quickly if the full Council were to address it rather than taking it to a committee. It would also keep the process more open to the public.

There was consensus to add this to the regular meeting agenda on the 27th.

CAO Hirashima stated that staff could also go through the current contract to look at the formula again and potentially make some revisions for the next budget year. In the event that the RFA failed it would be good to have that revised.

Councilmember Stevens suggested contacting other entities who have gone through this process to see how it has gone for them. Finance Director Langdon stated they could do that as well as provide copies of other jurisdictions' RFA agreements for reference.

Approval of Minutes

1. Approval of the September 8, 2014 City Council Minutes.

Consent

2. Approval of the September 19, 2014 Payroll in the Amount of \$1,029,608.43; Paid by Check Number's 28182 through 28826.
3. Approval of the September 17, 2014 Claims in the Amount of \$1,051,141.65; Paid by Check Number's 94759 through 94884 with Check Number 93503 Voided.
4. Approval of the September 24, 2014 claims in the Amount of \$1,125,935.38; paid by Check Number's 94885 through 95083 with No Check Numbers voided.

Review Bids

5. Consider Awarding the 2014 Shoulder Improvement Program to Northend Excavating, Inc. in the Amount of \$91,733.00 Including Washington State Sales Tax and Approve a Management Reserve of \$7,500.00 for a Total Allocation of \$99,233.00.

Public Works Director Nielsen commented that staff is trying to get all the shoulders completed while the weather is nice.

Public Hearings

New Business

6. Consider the Amendments with the State of Washington Department of Commerce Public Works Trust Fund Loan Agreements to Change the Repayment Dates from July 1 to June 1.

Public Works Director Nielsen commented that this is just a housekeeping matter.

7. Consider the Professional Services Agreement Supplement No. 3 in the Amount of \$47,301.00 with Murray, Smith and Associates, Inc.

Public Works Director Nielsen reviewed this item which would include an upstairs in the treatment facility and would add a BFD.

8. Consider the Cooperative Services Agreement between United States Department of Agriculture in the Amount of \$15,000.00.

Public Works Director Nielsen stated this is for rodent control throughout the City.

9. Consider the Annual Support Agreement and License Agreement for Munis Software in the Amount of \$63,213.91.

Finance Director Langdon explained this is for annual renewal for financial software support and upgrades.

10. Consider the PUD Distribution Easement with PUD to Allow Installation of a Guy Wire.

Public Works Director Nielsen stated that a pole needs to be moved for the 116th to 136th Street Project, and the PUD needs an easement. Councilmember Seibert asked for specific location. Public Works Director Nielsen stated he would provide a better map.

11. Consider a **Resolution** of the City of Marysville Adopting Revised Personnel Rules of the City of Marysville and Repealing Resolution Number 2260 and Subsequent Resolutions Amending Resolution 2260.

Human Resources Director Kristie Guy reviewed some of the current revisions to the Personnel Rules. Feedback from staff and the unions has been incorporated.

Councilmember Seibert referred to the orientation period mentioned and asked if this is a sort of probation period. Ms. Guy affirmed that it is 6 months for new employees and 4 months for someone who has been promoted.

Councilmember Seibert asked how the sponsorship for the service clubs has been working out. CAO Hirashima commented that there are not many employees that utilize this. Councilmember Seibert said it seems like a good idea, but he has some concern that there could be a perception that the City is encouraging the success of certain service clubs over others that don't get members that are sponsored.

12. Consider an **Ordinance** Creating a New Chapter 6.23 of the Marysville Municipal Code (MMC) Related to Chronic Nuisance Properties and Amending MMC Section 22G.060.090 Related to Hearing Examiner Duties; Providing for Severability; and Effective Date.

Planning Manager Holland noted that there are several properties which are chronic nuisance properties and there is not currently a code in place to deal with these. Other jurisdictions have codes in place to deal with these sorts of properties. He reviewed details contained in the ordinance.

Chief Smith explained that this is a proactive approach to chronic nuisance issues in the City. This would address situations where there are numerous search warrants at individual properties. Lt. Akau reviewed statistics about some of these properties. Mayor Nehring commented that the highest volume of calls the Executive department gets is related to this issue. This is an issue throughout the state, not just in Marysville. Law abiding citizens are extremely tired of this type of activity.

Councilmember Toyer asked what the penalty is. City Attorney Weed explained that violation of the civil infraction is punishable by a \$1000 fine, but if the individual enters into a compliance agreement and breaches it, it sets the stage for the City to take the owner to court and get an order requiring any number of things up to and including vacation of the premises for a period of one year, eviction of all residents, and basically decommissioning the use of the residence as a place for criminal acts to occur. This ordinance is structured to deal with the worst of the worst properties with difficult, persistent problems.

Councilmember Vaughan asked about the animal control portion of this code. Lt. Akau explained that this would help in certain situations, but it is not intended to be used just for barking dog situations. Chief Smith noted it is the totality of complaints at a residence that will be considered. CAO Hirashima added that there has to be a determination by the Community Development Director or the Police Chief that this is a chronic nuisance issue. Councilmember Vaughan questioned how this might be carried out with different people in the positions of Community Development Director or Police Chief in the future. He wanted to confirm that if people feel they are not being dealt with fairly there is an avenue for that to be looked at. City Attorney Weed affirmed that there is an appeal process in the ordinance for the individual to get an independent hearing before the City's Land Use Hearing Examiner. Adopting this ordinance would also amend the Hearing Examiner duties to include hearing appeals of chronic

nuisance determinations. Councilmember Vaughan added that even before it gets to that point the Council would likely get emails from folks in the City who are concerned about issues. As councilmembers they have the opportunity to try to address that.

Councilmember Vaughan then asked if this ordinance would provide help to landlords who have tenants who are a problem. City Attorney Weed stated that it would provide motivation to landlords to use tools that are already in place in state law.

Councilmember Seibert spoke in support of the ordinance.

13. Consider an **Ordinance** Amending Marysville Municipal Code Chapter 6.37 Regarding Pedestrian Interference – Coercive Solicitation by Adding New Sections MMC 7.37.045 and MMC 6.37.047, Regulating Time, Place and Manner for Solicitation on Public Right of Way, Providing for Severability and Establishing an Effective Date.

Mayor Nehring reviewed the need for this item based on aggressive panhandling issues that have resurfaced in the City. It will give the police a tool to use to address the issue.

CAO Hirashima stated that the streets listed are based on concerns that these are high accident locations.

Councilmember Wright asked how this would apply to the firefighters. City Attorney Weed explained it would apply to them as well. Councilmember Vaughan noted that the fact that they are firefighters doesn't make the traffic situation any safer.

15. Consider the Professional Services Agreement with MAKERS ARCHITECTURE to provide consultant services in the amount of \$42,710.00 in order to prepare a Master Plan for the Lakewood Neighborhood as part of the 2015 Marysville Comprehensive Plan Update.

CAO Hirashima explained this is a Professional Services Agreement with Makers Architecture to do a subarea plan for the Lakewood area.

17. Consider the Pay Classification of N11 for the Risk/Emergency Management Officer.

CAO Hirashima discussed the need for this position which would increase the emphasis on the Emergency Management planning.

Legal

Mayor's Business

14. Community and Housing Development Citizen Advisory Committee
Appointments: Peter Condyles, Brooke Hougan, Steve Lebo, Rob Toyer, and Donna Wright.
16. Consider the Mayor's Recommendations for 2014-2015 Alternate Hotel/Motel Committee Member.

Mayor Nehring:

- He reviewed the \$4 billion budget gap the state is facing and possible implications for the City as discussed at the AWC Board meeting.
- The school district had a ribbon cutting for their new Transportation Center on Saturday. He and Councilmember Muller attended. He noted that this is an amazing state-of-the-art facility; 75% of it was paid for with state funds.
- Thanks to those who came to the SCT annual meeting last week.
- On Friday at 10 a.m. there will be a ribbon cutting at the new coffee house.
- The Bayview Trail ribbon cutting will be at 2 on Friday.

Director Nielsen gave an update on Ms. Posey's garbage/recycling issue. Staff is proposing establishment of a new rate of \$9.15 for people who just want to recycle without having garbage service. Alternatively someone can pay \$11.97 for recycling plus once-a-month pickup of a 37-gallon container. He stressed that the City of Marysville is extremely supportive of recycling and stressed that nobody is going to jail. City Attorney Weed commented that cities have legal authority to require mandatory garbage pickup.

Councilmember Seibert expressed concern that this might encourage other issues in the city. Director Nielsen concurred. Mayor Nehring noted that this would allow the City to be consistent with newly annexed areas.

Councilmember Stevens asked if there is a way to restate the bills to clarify that the cost of recycling is included in their bill, and that it is not free. He also expressed concern about not having mandatory garbage service, but suggested this might be a good idea in newly annexed areas for a certain amount of transition time. CAO Hirashima noted that there is already a 7-year transition period before the mandatory garbage requirement applies.

There was not support from the Council to bring this item back. Director Nielsen reiterated that Marysville is supportive of recycling.

Staff Business

Kevin Nielsen commented that staff is very busy paving while the weather is nice.

Kristie Guy had no comments.

Worth Norton had no comments.

Chris Holland announced there is a public hearing scheduled for October 27 for the Master Planned Communities.

Sandy Langdon had no comments.

Grant Weed:

- He will be attending the fall WSAMA (Washington State Association of Municipal Attorneys) conference this week.
- He stated the need for a 10-minute executive session to discuss a personnel issue.

Gloria Hirashima:

- She will be meeting with the Sno-Isle library tomorrow to discuss the potential transfer of the library facility from the City to Sno-Isle.
- City employees are doing a United Way raffle for a collection of camping, boating, crabbing, and fishing items. All proceeds go to United Way. Tickets are \$5.

Call on Councilmembers

Councilmember Wright had no comments.

Councilmember Norton commented on how nice and smooth Grove Street is now.

Councilmember Seibert expressed frustration about all the delays related to the trains.

Councilmember Toyer had no comments.

Councilmember Stevens had no comments.

Councilmember Vaughan had no comments.

Council recessed at 8:55 into Executive Session which began at 9:08 to discuss one personnel item for ten minutes with no action expected.

Executive Session

A. Litigation

B. Personnel – one item, RCW 42.30.110(1)(g)

C. Real Estate

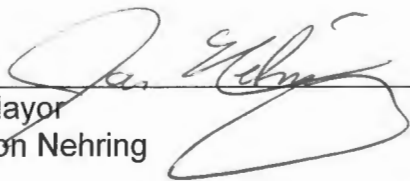
Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to extend executive session five minutes to 9:23 p.m. **Motion** passed unanimously (6-0).

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

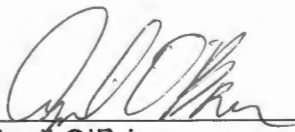
Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:25 p.m.

Approved this 27 day of October, 2014.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk