

# COUNCIL



# MINUTES

**Work Session**  
October 27, 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, Steve Muller and Donna Wright

**Absent:** Steve Muller

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Emily Guildner, Public Works Director Kevin Nielsen, Planning Manager Chris Holland, Fire Chief Greg Corn, Asst. Fire Chief Martin McFalls, Court Administrator Suzanne Elsner, Human Resources Director Kristie Guy, and Recording Secretary April O'Brien.

Mayor Nehring spoke regarding the horrible ordeal the shooting victims and families went through. He commended the way the Marysville Police Department and other departments handled themselves during the Marysville-Pilchuck shooting. He thanked various Staff members for their support during the shooting, Seattle's Mayor Murray for sending a staff member to help, and Providence and Harbor View Hospitals.

Mayor Nehring requested a moment of silence before Pastor Steve Swanson of Vital Signs Ministries gave the invocation, and Mayor Nehring led those present in the Pledge of Allegiance.

## **Approval of the Agenda**

**Motion** made by Councilmember Toyer, seconded by Councilmember Stevens, to add the Special Event Permit Application for the Crossfit Marysville Muscles for Marysville Fundraiser to the agenda and approve the agenda. **Motion** passed unanimously (7-0).

## **Committee Reports**

Councilmember Stevens reported on the October 15 Fire Board meeting where the following items were discussed:

- The Board of Directors for the Fire District started the budget process.
- The next meeting will be held at 5 p.m. on October 30 at Fire Station 62.
- They received an update on the New World System.
- Prothman consulting firm has been hired for the new Chief search.

Councilmember Vaughn reported on the October 22 LEOFF 1 Disability Board meeting where three claims were reviewed, discussed and paid.

Councilmember Seibert reported on the October 22 Public Safety meeting that they received an update on the individual that has been shooting police property and went on a tour of the jail facility.

Councilmember Norton reported on the October 8 Marysville Parks and Advisory Board meeting where the following was discussed:

- The Rotary Ranch looks great, and the goal is to have it completed by end of year. It will be used mostly for programming, training, etc.
- The summer programming was reviewed.
- The Board discussed and board approved eliminating facility deposit for rentals.

## **Presentations**

### A. Custody Officer Swearing-in

Brandon Palmer was introduced and sworn in as custody officer.

### B. Employee Services Awards

None were present.

### C. Volunteer of the Month

Patrick McGouty has volunteered at the Marysville Library for over five years and has donated approximately 1062 hours. Patrick has earned a bronze award the last four years.

## **Audience Participation**

Snohomish County Executive John Lovick, 2403 157<sup>th</sup> Place SE, Mill Creek, WA 98012, complimented the city for all it has done and promised that Snohomish County would be available to help with the Marysville-Pilchuck shooting as long as necessary.

## **Approval of Minutes** *(Written Comment Only Accepted from Audience.)*

1. Approval of the September 22, 2014 City Council Minutes.

**Motion** made by Councilmember Wright, seconded by Councilmember Norton, to approve the minutes as presented. **Motion** passed unanimously (7-0).

2. Approval of the October 6, 2014 City Council Work Session Minutes.

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

### **Consent**

3. Consider Approving the October 8, 2014 Claims in the Amount of \$1,274,362.60; Paid by Check Numbers 95209 through 95350 with No Checks Voided.

4. Consider Approving the October 15, 2014 Claims in the Amount of \$1,363,453.66; Paid by Check Numbers 95351 through 95503 with Check Numbers 72249,72862,73336,73410,73421,73761,73992,74485, 74489,74491,74779,74987,75768,75862,77417,77487,77500,77636,77980,78052, 78513,78519,78924,79653,80344,80356,80524,80897,81110,82005,82114,82157, 82496,82506,83233,83311,83883,84021,84050,84580,84699,84870,84883 voided

**Motion** made by Councilmember Muller, seconded by Councilmember Vaughan, to approve Consent Agenda items 3, 4, and 5. **Motion** passed unanimously (7-0).

**Motion** made by Councilmember Muller amended motion to approve Consent Agenda items 3 and 4. **Motion** passed unanimously (7-0).

### **Review Bids**

5. Consider Awarding the Contract for a Hybrid Automated Meter Infrastructure System to HD Supply Waterworks, Ltd. and Authorize the Mayor to Execute the Contract in the Amount of \$425,228.48 Including Washington State Sales Tax.

Director Neilson commented that this item was part of the PUD transition to get the Sunnyside area on automated meter reads.

**Motion** made by Councilmember Stevens to award the contract for a Hybrid Automated Meter Infrastructure System to HD Supply Waterworks, Ltd. and authorize the Mayor to execute the contract in the amount of \$425,228.48 including Washington State sales tax, seconded by Councilmember Vaughan. **Motion** passed unanimously (7-0).

### **Public Hearings**

6. A Public Hearing to Consider Upholding Ordinance No. 2969, Continuing the 6-Month Moratorium on the Filing, Receipt and Processing of Applications for all Permits and Development Plan Approvals, for Master Planned Senior Communities allowing the Planning Commission to Review Proposed Amendments and Make a Formal Recommendation to Council Related to Marysville Municipal Code Chapter 22C.220.

Planning Manager Holland explained the background behind this item and that the Planning Commission is holding a Public Hearing on November 13. He asked that the Council uphold the six-month moratorium.

The Public Hearing was opened for public comment at 7:36 p.m.

Rune Harkestad, 11042 SE 30th Street, Bellevue, WA, commented that he is a real-estate broker and is currently listing properties on the 116th corridor. He has seen the demand for senior community housing near commercial property raise over the last couple of years and believes such housing, even though the property would be tax exempt, would benefit the city by helping bring in business. He also noted that the crime rates would most likely be low in senior housing.

Ron Barrkly, 3724 116th Street N.E., Marysville, WA, has been trying to sell his property along the 116th corridor for ten years. He feels his property would be a good fit for senior housing. He doesn't see senior housing being a concern for crime rate.

Public Hearing closed at 7:48 p.m.

Councilmember Muller asked if the Planning Commission was going to have a recommendation by the December 8 Council meeting.

Mr. Holland stated that the Planning Commission might have a recommendation sooner. Mr. Holland stated that no applications would be accepted during the moratorium but that doesn't mean an individual couldn't move through a development pre-application process.

Councilmember Muller asked why the need to uphold a moratorium that is already in place.

Chief Administrator Officer Hirashima explained when an emergency ordinance moratorium is passed; it's required within 60 days to hold a Public Hearing.

Councilmember Vaughan asked for clarification that the motion is to uphold Ordinance 2969 that is already in place and there isn't a need for a new ordinance.

Mayor Nehring asked Director Langdon to confirm that we don't need a new ordinance.

Director Langdon confirmed that this was the case.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Seibert, to uphold Ordinance No. 2969, Continuing the 6-Month Moratorium on the Filing, Receipt and Processing of Applications for all Permits and Development Plan Approvals, for Master Planned Senior Communities allowing the Planning Commission to Review Proposed Amendments and Make a Formal Recommendation to Council Related to Marysville Municipal Code Chapter 22C.220. Motion passed unanimously (7-0).

Councilmember Muller asked if this item comes back to Council by December 8, and the recommendation are affirmed, does that remove the moratorium.

Chief Administrator Officer Hirashima stated that they would simultaneously repeal the ordinance.

## **New Business**

7. Consider the Hotel/Motel Committee Recommendations to Award Funding.

Chief Administrator Officer Hirashima reported that the Hotel/Motel Committee convened on October 8 to review the applications and interview applicants.

Mayor Nehring clarified that under a new state law Council could approve or disapprove the award amounts but can't change the amounts.

Chief Administrator Officer Hirashima confirmed Mayor Nehring's clarification.

**Motion** made by Councilmember Vaughn, seconded by Councilmember Wright to approve the Hotel/Motel Committee recommendations to award funding. **Motion** passed unanimously (7-0).

8. Consider the Emergency Sewer Pump Purchase in the Amount of \$95,924.93 from HGACBuy.

Director Nielsen explained the need for the backup pump at the city's largest lift station and that some of the peak flows are very high.

Councilmember Seibert asked if generator would run on diesel since it would be a backup and what the process would be to start it.

Director Neilson explained that the generator would be connected with hard mounts so standby only would have to push a button to start it.

**Motion** made by Councilmember Seibert, seconded by Councilmember Vaughan, to approve the emergency sewer pump purchase in the amount of \$95,924.93 from HGACBuy. **Motion** passed unanimously (7-0).

9. Consider the Court Management Classification & Compensation Analysis and Reclassification of the Assistant Court Administrator to M2 Pay Classification.

Chief Administrator Officer Hirashima explained that Kristie Guy did compensation and classification analysis on the Assistant Court Administrator and Court Administrator positions and the job descriptions were updated.

**Motion** made but Councilmember Norton, seconded by Councilmember Muller, to adopt the new Assistant Court Administrator Job Description and placement on the M2 Management Salary Grid. **Motion** passed unanimously (7-0).

**Motion** made but Councilmember Norton, seconded by Councilmember Muller, to adopt the new Court Administrator Job Description. **Motion** passed unanimously (7-0).

10. Consider a **Resolution** Urging the Governor and the Legislature of the State of Washington to Preserve the Streamlined Sales Tax Mitigation Distribution to Impacted Local Jurisdictions In The 2015-2017 Biennial Budget.

**Motion** made but Councilmember Wright, seconded by Councilmember Seibert, to adopt the Resolution 2367 urging the Governor and the Legislature of the State of Washington to preserve the Streamlined Sales Tax Mitigation Distribution to Impacted Local Jurisdictions In The 2015-2017 Biennial Budget. **Motion** passed unanimously (7-0).

### **Added item**

Special Event Permit Application for the Crossfit Marysville Muscles for Marysville Fundraiser.

Chief Administrator Officer Hirashima briefly went over the special event permit application.

**Motion** made by Councilmember Toyer, seconded by Councilmember Norton, to waive application fee for special event permit; approve street closure of Columbia between 2nd and 3rd Street. Approve closure of either 2nd or 3rd Street, per CD staff determination, following discussion with 3rd Street businesses and submittal of final application and insurance allowances. **Motion** passed unanimously (7-0).

### **Discussion**

#### 11. Fire Study

- Director Langdon explained that she reviewed some of the recent RFA formation and they were all very different. The city's RFA would be different as well because it would be formed as part of the planning process. She could provide copies of the RFAs she reviewed if requested.
- Councilmember Stevens said that he and Councilmember Wright were at conference where he learned the City of Prosser and Benton County had the most similar relationship with their fire district as the city has with Fire District 12. He asked Director Langdon to contact the City of Prosser to see how their RFA had gone.
- Director Langdon stated that she thought Prosser's RFA was on the ballot this November.
- Chief Corn confirmed the RFA is on the ballot in November.
- Councilmember Seibert asked if staff had an opportunity for meet with fire staff to discuss negotiation of assets and how the city would proceed depending on which route was taken.
- Chief Administrator Officer Hirashima stated that staff hadn't met with the fire staff but she could initiate.
- Councilmember Seibert requested she initiate a meeting with fire staff to open a dialogue.
- Councilmember Vaughan asked if there were any of the four options that council aren't interested in.
- Councilmember Stevens stated his preference is to move forward with an RFA or annex into Fire District 12. He doesn't wish to continue with the status quo of the current contract or taken over the fire district.
- Councilmember Wright stated that from what she learned at the conference the RFA would be best because it was similar to what the city is doing now.
- Councilmember Seibert doesn't wish to move forward with an annexation. He thought the City should look into taken over the fire district. He also felt like the consultant report was predisposed to an RFA because he is in the business of forming fire districts.

- Councilmember Stevens stated that Bob Merrit, who performed the fire study, was one of the presenters at the conference. At the conference, the annexations were recommended as the easiest, but as far as the city keeping its governance from the city's perspective the RFA has the most benefits.
- Councilmember Muller asked if council could come to a resolution on a preferred choice before staff does more work.
- Mayor Nehring stated if there is a consensus on a preferred, staff could move aggressively with the fire district and council would always have final approval.
- Councilmember Norton stated that she wants to insure the option that is chosen provides the citizen the best services, care, and is the most efficient. She asked staff for recommendations.
- Chief Corn stated that the fire department performed excellently last Friday. The fire department has mutual agreements with other fire departments, and when the alarm levels are raised they are able to bring in additional resources quickly. The medics were able to transport the injured quickly to the hospital. He added the fire department rating by the Washington Survey and Rating Bureau evaluates all communities for their fire protections and suppression capabilities using a schedule that is approved by the Office of the Washington State Insurance Commissioner. Each community is assigned a protection class rating, and that is reviewed by insurance companies to help determine premiums. The fire district just went through an evaluation this summer and their rating changed from a four to a three due to the water systems used. Chief Corn thanked Director Nelson for the water department and commended the fire department for the great services they provided.
- Councilmember Norton agreed that the fire department performed well on Friday. She asked Chief Corn what structure he feels enables the highest level of service for the citizens of Marysville.
- Chief Corn responded that fire department isn't a governmental agency. It has run into governmental and tax structure issues in the past. He prefers the creation of a Regional Fire Study. The first phase of creating a RFA is creating a planning committee of elected officials from the two entities. If either governmental agency wants out of the planning process and doesn't want to move forward with the RFA, the process can be stopped.
- Councilmember Toyer asked if the fire rating will change if the structure changes.
- Chief Corn said that it wouldn't during this rating period but they would come back around in five years, but if the city started its own fire department it would have to be reevaluated.
- Councilmember Stevens asked if the formation of an RFA would have a different rating than city of Maysville, and that the two rating don't get average.
- Chief Corn responded that the two ratings don't get averaged. He doesn't know whether the city incorporated would be looked at by survey and rating differently than unincorporated areas of the same regional fire authority.
- Councilmember Stevens stated the agency that would have the most flexibility to fund the services would be best. Those entities would be the RFA or annexing in from a government standpoint.
- Councilmember Vaughan stated that he is not convinced that the current structure is better than having our own fire department. He has concerns with a fire district; citizens might not realize they are a hybrid agency that was created several years ago. The citizens might not realize that there is a fire board to voice complaints. His belief is if it's a core function of government, the core governing body of a community should be able to institute some control or influence with the agency. He is concerned that with an RFA, the city might have little

influence and citizens might be frustrated. If the city ends up moving forward with an RFA, he wants the city to have a majority of the representations.

- Councilmember Stevens agreed with Councilmember Vaughan and that is why he feels the RFA is the best approached. In the formation of the RFA they have the ability to walk way if the council is not agreeable.
- Councilmember Muller confirmed his understanding is the same of Councilmember Stevens.
- Councilmember Seibert mildly objected to forming an RFA committee.
- Councilmember Vaughan asked how the assets would be divided.
- Mayor Nehring said if Council approved the city moving forward with the RFA committee, three fire board representatives and three council representatives would discuss division of assets.
- Councilmember Muller confirmed the meetings would be open to the public.
- Councilmember Seibert asked if a quorum could be present at a meeting.
- Chief Corn responded from the city's standpoint the Councilmembers not on the committee would just be listening.
- Mayor Nerhing confirmed that five Councilmembers approve of the RFA committee forming with Councilmember Seibert and Councilmember Vaughan mildly objecting.
- Councilmember Toyer asked Councilmember Vaughan what his objections were.
- Councilmember Vaughan stated the he doesn't feel that the consultant gave all four options the fair treatment and doesn't feel like the council is operating with all the information. He feels that if the RFA addresses the issues he feels are important, then maybe the RFA would be ok.

Council directed Staff to initiate moving forward to bring a resolution back to Council the second cycle of November.

## **Legal**

### **Mayor's Business**

Mayor Nehring commended the IS staff for setting up a command center in less than an hour. He also thanked Chief Smith and his team for all he has done in the last couple of weeks.

### **Staff Business**

Chief Smith commented on the way the city has come together, how proud he is to be a member of the city staff, and how they work together. Went over the details handle scene, incident command post, and information center set up. He thanked Director Ballew, Director Neilson, Director Langdon, and Sheriff for their help during the event. The support staff did an amazing job. He complimented Gloria on the great job she did and the Mayor bringing calm to the community.

Director Langdon commented on how the recent events reminded her how she is part of this community and how our small town can come together and become family. She was proud of how well our IS Team did in the event.

Director Neilson stated how amazing it was to watch our police department and sheriff's department work together. The Command Staff was so professional and so calm during this event. He talked the Chief Smith for the kind comments. He stated that the council can count on staff to handle these types of events.



Director Ballew spoke about the various events going on in the community and the community is moving together to get through this. He applauded Chief Smith on what he had accomplished. He said that the command staff operating in an amazing way. It was a privilege to work with them.

City Attorney Guildner commented that she moved to Marysville in April and is glad to be part of the community.

CAO Hirashima thanked everyone that responded to the event. Fire and Police did a tremendous job. She is grateful for all contributions that the departments and various agencies made. She can't think of any missteps that were made in terms of the city's response because of the support network the city had available.

Chief Corn echoed what others said and added that the fire department is the city's fire department.

Gloria Hirashima announced a need for a ten minute Executive Session to discuss two real-estate and one current litigation matter. Action is expected on real-estate items.

### **Call on Councilmembers**

Councilmember Norton stated how proud she is to be a part of this community and the various way people pulled together to support each other.

Councilmember Muller commented on how calm and under control the command center and the police center were. Thanked staff for the amazing job.

Councilmember Toyer thanked staff for all the work they do.

Councilmember Stevens echoed how professional the city team was and that only positive things have been said about the way the city handled this event.

Councilmember Seibert had not comments.

Councilmember Wright said that it was hard to be on the other side of the state and get the news of the shooting.

Council President Vaughan expressed the sadness he felt due to the shooting event. He said that appreciated the community and staff.

The Council recessed at 9:12 p.m. into Executive Session which began at 9:16 p.m. to discuss one pending litigation and two real-estate items. Action is expected on the two real-estate items.

### **Executive Session**

- A. Litigation** one item, per RCW 42.30.110(1)(i)
- B. Personnel**
- C. Real Estate** two items, per RCW 42.30.110(1)(b)

**Motion** made by Councilmember Seibert, seconded by Councilmember Wright, to approve the price of the Nyhus Property as discussed in Executive Session. **Motion** passed unanimously (7-0).

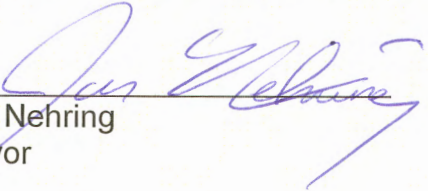
**Motion** made by Councilmember Toyer, seconded by Councilmember Muller, to approve the price of the Liefer Property as discussed in Executive Session. **Motion** passed unanimously (7-0).

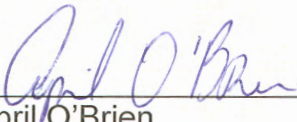
Executive Session ended and public meeting reconvened at 9:26 p.m.

**Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 9:26 p.m.

Approved this 24 day of November 2014.

  
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Jon Nehring  
Mayor

  
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April O'Brien  
Deputy City Clerk