

# COUNCIL



# MINUTES

## **Regular Meeting** September 8, 2015

### **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.

### **Roll Call**

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

**Mayor:** Jon Nehring

**Council:** Steve Muller, Kamille Norton, Jeff Seibert, Rob Toyer, Jeff Vaughan, and Donna Wright

**Absent:** Michael Stevens

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney John Walker, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Associate Planner Angela Gemmer, Planning Assistant Amy Hess, and Recording Secretary Laurie Hugdahl.

Mayor Nehring stated that Councilmember Stevens had notified them he had a previous commitment this evening and requested an excused absence.

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

### **Approval of the Agenda**

### **Committee Reports**

### **Presentations**

### **Discussion Items**

## Approval of Minutes

1. Consider the July 27, 2015 City Council Meeting Minutes

## Consent

2. Consider the August 20, 2015 Payroll in the Amount of \$937,249.57; Paid by Check Number 29187 through 29228
3. Consider the August 26, 2015 Claims in the Amount of \$1,959,395.65; Paid by Check Numbers 102249 through 102422 with Check Number 101609, 101872, 101881, 101892 & 101899 Voided

## Review Bids

## Public Hearings

4. Consider the Program Year 2014 Consolidated Annual Performance and Evaluation Report and Direct Staff to Provide a Summary of, and Response to any Comments Received during the Public Hearing into the Report, and forward to the U.S. Department of Housing and Urban Development (Public Hearing will be held September 14, 2015)

Amy Hess stated that the Program Year 2014 was finished in June. HUD also requires the City to do the Consolidated Annual Performance and Evaluation Report (CAPER) which reviews the performance of the past year. She noted that all of the public service agencies that received funds either met or exceeded their goals for 2014. The Comeford Park improvement was completed with some of the additional funds, and the SR 528 pedestrian improvement project received funding for 2014 and 2015. Public Works is anticipating going out to bid by the end of this year and concluding by the end of 2016. The City is considered to be timely and in good standing with HUD. She commented that after this item was submitted for the agenda staff received additional guidance from the HUD rep about a reporting change staff needs to make. No other comments have been received from the public.

## Action Item

**Motion** made by Councilmember Toyer, seconded by Councilmember Seibert, to waive the normal work session rules in order to take action on items 5, 6, 7, 8, and 9. **Motion** passed unanimously (6-0).

5. Consider the July 29, 2015 Claims in the Amount of \$417,543.77; Paid by Check Numbers 101712 through 101871 with Check Number 101634 Voided

**Motion** made by Councilmember Vaughan, seconded by Councilmember Toyer, to approve the July 29 Claims. **Motion** passed unanimously (6-0).

6. Consider the August 5, 2015 Claims in the Amount of \$1,254,620.96; Paid by Check Numbers 101872 through 102030 with No Checks Voided

**Motion** made by Councilmember Toyer, seconded by Councilmember Wright, to approve the August 5 Claims. **Motion** passed unanimously (6-0).

7. Consider the August 5, 2015 Payroll in the Amount of \$1,641,713.20; Paid by Check Numbers 29135 through 29186 with Check Numbers 28510 and 28646 Voided and Reissued with Check Numbers 29133 and 29134

**Motion** made by Councilmember Seibert, seconded by Councilmember Vaughan, to approve the August 5 payroll. **Motion** passed unanimously (6-0).

8. Consider the August 12, 2015 Claims in the Amount of \$1,110,588.28; Paid by Check Numbers 102031 through 102154 with Check Number 101709 Voided

**Motion** made by Councilmember Muller, seconded by Councilmember Seibert, to August 12 claims. **Motion** passed unanimously (6-0).

9. Consider the August 19, 2015 Claims in the Amount of \$295,785.99; Paid by Check Numbers 102155 through 102248 with Check Numbers 100753, 101250, 101893, and 101907 Voided

**Motion** made by Councilmember Muller, seconded by Councilmember Norton, to approve the August 19 claims. **Motion** passed unanimously (6-0).

### **New Business**

10. Consider Accepting the 2015 Pavement Preservation Program with CEMEX Construction Materials Pacific LLC, Starting the 45-Day Lien Filing Period for Project Closeout

Director Nielsen stated this is for the TBD projects which are all completed. Staff is requesting start of the 45-day lien period. Mayor Nehring commented that this is great news.

11. Consider Accepting the Qwuloolt Fill Site Project, Starting the 45-Day Lien Period for Project Closeout

This is project acceptance for fill for the trail on the east side of the Qwuloolt project.

12. Consider Accepting the 67th Avenue NE Overlay (88th St. NE to 108th St. NE) Project, Starting the 45-Day Lien Filing Period for Project Closeout

This was the federal money the City received. It is a nice overlay done by Lakeside Industries. Staff would like to do a project closeout to start the 45-day lien period.

13. Consider the Professional Service Agreement with Waste Management Logistics in the Amount of \$56,500.00

This is to purchase software which would take the sanitation department from using paper copies to using computers and working electronically with utility billing. It is for half the cost that was budgeted.

14. Consider the Local Agency State Aid Project Prospectus and Local Agency State Funding Agreement with WSDOT thereby Securing Funding for the Grove Street Pedestrian and Bicycle Improvements (State Ave to Cedar Ave) Project

Staff received grants for \$276,000 to provide sidewalks and pedestrian improvements on Grove from State Avenue to Cedar.

15. Consider the Local Agency State Aid Project Prospectus and Local Agency State Funding Agreement with WSDOT for Marshall Elementary Safe Routes to School Project

The City received \$315,000 in grant money for Safe Routes to School. Staff is requesting that the Council sign the prospectus so the City can be awarded the money. The TBD will be paying for the overlay because it is on the list.

16. Consider Supplement Number 2 to the Professional Services Agreement with HDR Engineering, Inc. for a No Cost Time Extension

Director Nielsen stated that this is a no-cost time extension for the SR 529 interchange project. The City is currently in a holding pattern with WSDOT.

17. Consider the Final Plat Approval of Emberly Subdivision along with the Associated Right-of-Way

Associate Planner Angela Gemmer stated that this is a 19-lot subdivision that received preliminary approval from Snohomish County. She discussed unique characteristics of this subdivision and explained they would be installing streetlights after paving.

18. Consider an Ordinance Amending Section 2.24.030(5) of the Marysville Municipal Code, Establishing Salary for Municipal Court Judge, Provide for Severability; and Effective Date

Finance Director Langdon explained this would clarify the salary for municipal court judges.

19. Consider an Ordinance Setting Forth the Basis of the City's Compliance with the Growth Management Act's (GMA) Required Review and Updating of the City's Comprehensive Plan and Development Regulations Under RCW 36.70A.130(5)(A), Repealing the Comprehensive Plan Adopted by Ordinance

## 2569, and Adopting a New Comprehensive Plan Pursuant to the City's Periodic GMA Comprehensive Plan Amendment and Update Process

Associate Planner Gemmer discussed the Comprehensive Plan update process and comments received by Puget Sound Regional Council (PSRC) which have been addressed by staff.

20. Consider an Ordinance of the City of Marysville Amending Section 6.82.173 of the Marysville Municipal Code, Prohibiting the Use of Electronic Cigarettes in Parks; Providing for Severability; and Effective Date

Staff is working on an amendment to the ordinance which discusses prohibition of smoking in the parks to include electronic cigarettes, otherwise known as vaping devices. He discussed activity with the Snohomish Health District, Snohomish County Council, and the State Department of Health related to this topic. He commented that the City did not receive any complaints about the non-smoking policy in parks, and people already expect that code to include vaping devices. It is the City Attorney's recommendation that the Council make this amendment to the existing code.

Councilmember Muller asked about demographics for vaping. Director Nielsen replied it is often used by middle and high schoolers and tends to be a gateway to tobacco use. On the other hand, older adults are using it as a means to quit smoking.

Councilmember Wright commented that smoking is increasing with the use of these. The Health District is especially concerned about children and younger people.

Director Ballew stated that the Health District approached the City a month or so ago about a partnership. They are willing to provide signage just like they did with the smoking program which is a considerable expense.

21. Consider a Resolution Declaring Certain Items of Personal Property to Be Surplus and Authorizing the Sale or Disposal Thereof

Director Ballew explained these are old items that are going to auction.

### **Legal**

### **Mayor's Business**

- Thanks to the school district for their back-to-school luncheon. It was a very informative speaker.
- The annual 9/11 ceremony is this Friday at 8:30 a.m.
- Thanks to everyone for the hard work on the recent wind storm and the related cleanup. PUD did a marvelous job too.
- Coastal Communities and Play it Again Sports, had ribbon cuttings.

- Thanks to Gloria Hirashima for representing the City at the dike breaching ceremony.

### **Staff Business**

Sandy Langdon:

- The new Assistant Finance Director started August 3 and is up and running. Thanks to Council for approving that position.
- Staff is working on the utility rate study and doing preliminary numbers on the fire study.

Chief Smith:

- Welcome back everyone. August was very busy, but crime is down. The crime analyst was very surprised because normally crime increases in August.
- The MPHS investigation came out on September 1. He thanked the SMART team for their work on it. It was extremely thorough and hit all the points that were needed. The FBI is still working on their part of the investigation. There are a number of events coming up in October. The Police Department is dedicated to continuing to provide professional and caring service to the community.

Chief McFalls:

- The 9/11 ceremony will be this Friday at 8:46 a.m.
- Touch a Truck will be happening this weekend.
- The Fire Department will be participating in the Marysville Pilchuck Walk of Strength
- He invited the Council to the Service Award Banquet on September 16.
- The Fire Department had a very busy summer with the 4<sup>th</sup> of July and the recent windstorm.
- Thanks to everyone for their support in the chief selection process. He is happy to be on board.

Jim Ballew:

- Touch a Truck will be this weekend. It is the largest ever with 47 vehicles.
- Staff has started renovation of Tuscany Ridge Park as part of the Park Improvement Program.
- Parkside Way Park will also see improvements.
- The spray park will keep going through this weekend and will continue on weekends depending on the weather.

Kevin Nielsen:

- Staff picked up extra food garbage following the windstorm because so many people had spoiled food.
- August was a very busy month. The Qwuloolt project was a huge project, and it's still not done.
- The City will be increasing the speed limit on Ingraham soon. Hopefully this will divert more traffic onto Ingraham from Getchell.

- All the thermo, striping, and paving is done. Maintenance is done for sewer and now they are moving on to storm.
- The grass died early because of the weather, and now they are moving on to trash. Litter has become a big problem in the City.
- 172<sup>nd</sup> roundabouts are diverting traffic and people are seeing improvements there.
- PW Committee this Friday.

John Walker:

- There will be a new legal assistant, Rochelle Barker, starting on Friday.
- He announced that the Mack case has been dismissed with prejudice and no costs.
- He will not be here next Monday and Deputy City Attorney Colin Olivers will be filling in for him.
- He stated the need for an Executive Session to discuss three items regarding site selection or acquisition of real estate with potential action expected on one and need to discuss one collective bargaining agreement with potential action for 15 minutes.

Gloria Hirashima:

- The Qwuloolt breach and ceremony was a very nice event. Councilmembers Muller and Norton were also in attendance. She thanked all the staff and city departments that helped with various aspects of the project.
- Jessica Stikles from the Chamber is eager to meet with the Council and would like to schedule a meeting with the full Council before a regular Council meeting or at a different time with a committee. Councilmember Seibert suggested that a different representative come to meet with the Council. He wouldn't be able to make it early. Councilmember Vaughan said it would also be difficult for him to meet earlier. There was consensus to invite her to come to a regularly scheduled City Council meeting or to meet individually with Council members.
- She noted that Chief Smith didn't mention that the police apprehended a bank robber. She congratulated him for his efforts.
- The Emergency Management Risk Manager Diana Rose was deployed to the Okanogan fires to assist with the team working there. She is also working with the Fire Department to organize a cert training.

### **Call on Councilmembers**

Rob Toyer had no comments.

Steve Muller praised the City's relationship with the tribes.

Kamille Norton:

- The Qwuloolt event was nice, and the food was delicious.
- She is looking forward to the increased speed on Ingraham.
- All the paving projects look great.

- She thanked Chief Smith for his words and expressed appreciation for the police department for their service.

Donna Wright commented that it was nice to see everyone.

Jeff Seibert:

- Welcome back to everyone.
- The paving projects look great.
- Thanks for filling in his favorite pothole.

Jeff Vaughan:

- The Webcam during the breach was very exciting. He commented on the proximity of the estuary to the urban development and discussed potential positive economic development impacts.
- This summer he and his family started kayaking. Some of that was done on Ebey Slough. He has a lot of comments and ideas about Ebey Slough and the estuary.

Mayor Nehring presented Kevin Nielsen and his staff with a plaque for Outstanding Waste Treatment Award for 2014.

Director Nielsen stated that staff applied for a \$7.5 million TIB grant for State Avenue from 100<sup>th</sup> to 116<sup>th</sup> to finish off State Avenue.

### **Executive Session**

Staff recessed at 8:03 for five minutes before reconvening at 8:08 into executive session to discuss three items regarding site selection or acquisitions of real estate with potential action expected on one item and need to discuss a collective bargaining agreement with potential action for 15 minutes.

#### **A. Litigation**

#### **B. Personnel - one item with possible action, per RCW 42.30.140(4)(a)**

#### **C. Real Estate – three items with possible action on one, per RCW 42.30.110(1)(b)**

Executive session extended 5 minutes to 8:28 p.m.

Executive session ended and public meeting reconvened at 8:28 p.m.

**Motion** made by Councilmember Muller, seconded by Councilmember Seibert, to authorize the City to pay \$177,000 towards the purchase of the property at 1620 1<sup>st</sup> Street, Marysville WA. **Motion** passed unanimously (6-0).

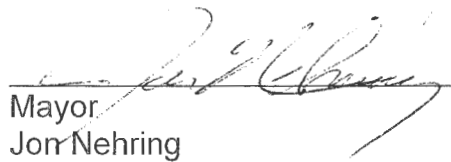


**Motion** made by Councilmember Toyer, seconded by Councilmember Seibert, to authorize the Mayor to enter into the Collective Bargaining Agreement reached with Teamsters Local 763. **Motion** passed unanimously (6-0).

**Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 8:28 p.m.

Approved this 28 day of September, 2015.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk