

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
<b>Presentations</b>	
Officer Swearing-In, Sgt. Rick Sparr	Presented
State of the Court Address to Council	Presented
Council Candidates' Presentation	Presented
<b>Approval of Minutes</b>	
Approval of the January 14, 2013, City Council Meeting Minutes.	Approved
<b>Consent Agenda</b>	
Approval of the January 23, 2013, Claims in the Amount of \$582,954.39; Paid by Check Number's 82170 through 82319 with No Check Number's Voided.	Approved
Approval of the January 18, 2013, Payroll in the Amount of \$784,409.70; Paid by Check Number's 26237 through 26272.	Approved
Approval of the January 30, 2013, Claims in the Amount of \$351,945.10; Paid by Check Number's 82320 through 82406 with No Check Number's Voided.	Approved
Approval of the February 5, 2013, Payroll in the Amount of \$1,478,334.37; Paid by Check Number's 26300 through 26315.	Approved
<b>Review Bids</b>	
<b>Public Hearing</b>	
<b>New Business</b>	
Authorize the Mayor to Sign the Supplement No. 6 to the City's Professional Services Agreement with BergerABAM, Extending the Agreement End Date to May 31, 2013.	Approved
Authorize the Mayor to Sign the Amendment No. 2 to the State of Washington Department of Enterprise Services Intergovernmental Agreement No. 200-WPC-219.	Approved
Authorize the Mayor to sign the Professional Services Agreement with Aclara Technologies, LLC.	Removed
Authorize the Mayor to Sign the Professional Services Agreement with Paymentus Corporation.	Approved
A <b>Resolution</b> of the City of Marysville Declaring Various Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.	Approved Res. No. 2341
An <b>Ordinance</b> of the City Of Marysville, Washington, Authorizing the City of Marysville to Continue to Impose a Sales and Use Tax as Authorized by RCW 82.14.415 as a Credit Against State Sales and Use Tax; Certifying the Costs to Provide Municipal Services to the Central Marysville Annexation Area; and Setting a New Threshold Amount for Fiscal Year 2013 Relating to Annexations.	Approved Ord. No. 2917
An <b>Ordinance</b> of the City Of Marysville, Washington, Amending MMC 14.07.005 (General Fee Structure), MMC 14.07.010 (Capital Improvement Charges), MMC 14.19.050 (Surface Water Utility Rates) and MMC 14.19.080 (Reductions and Appeals) and Providing for Severability.	Approved Ord. No. 2918
<b>Legal</b>	

Mayor's Business	
Staff Business	
Call on Councilmembers	
Adjournment	9:00
Executive Session	9:10
Litigation - one item, no action	
Real Estate - one item, RCW 42.30.110(1)(i)	
Adjournment	9:20 p.m.

# COUNCIL



# MINUTES

## **Regular Meeting** *February 11, 2013*

### **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, 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, Parks and Recreation Director Jim Ballew, Court Administrator Suzanne Elsner, Judge Lorrie Towers, Judge Fred Gillings, Financial Operations Manager John Nield, and Recording Secretary Laurie Hugdahl.

### **Committee Reports**

Councilmember Seibert reported that at the Public Works meeting last Friday, they laid out their work plan for the year in great detail.

### **Presentations**

A. Officer Swearing-In

Chief Smith introduced Rick Sparr who was being promoted from acting sergeant to sergeant. Chief Smith reviewed the background and qualifications of Mr. Sparr who was then sworn into the position of sergeant by Mayor Nehring.

**Motion** made by Councilmember Toyer, seconded by Councilmember Muller, to change the order of the agenda to allow Audience Participation prior to other items on the agenda so those individuals won't have to wait through several lengthy items on the agenda. **Motion** passed unanimously (6-0).

### **Audience Participation**

Ken Dammand, 410 Priest Pt. Dr. NW, Tulalip, WA 98271, spoke in support of a City of Marysville Resolution for the support of overturning the Citizens United decision. He asked the Council to adopt a resolution to that effect and distributed information to the Council with more information about this issue.

Ed Mohs, 1214 Beach, Marysville, WA, congratulated Sgt. Rick Sparr on his promotion. Mr. Mohs spoke against abortion, reviewed statistics, and requested that the City act to help stop abortion at the Marysville Health Center (Planned Parenthood) located at 10210 State Avenue.

### **Presentations**

#### B. State of the Court Address to Council

Judge Lorrie Towers presented a report highlighting the importance and accomplishments of the judiciary in the City of Marysville. She informed the Council that 2012 was a successful year for the court. The court continued to operate within budget and improve efficiencies. With the efficiencies in mind, the court implemented collaborative partnerships with others to meet the court's promise of timely, open, and impartial justice for all. She thanked the Council and the Executive department for the continued support of the court.

The biggest collaborative support project for 2012 was the implementation of video court hearings with Snohomish County Corrections in April, 2012. The court heard 1026 cases via video link with the County. It is projected that the City saved over \$30,000 in housing costs in the first four months of use compared to 2011. The court heard over 2700 cases via video link with Marysville jail. Judge Towers thanked the many entities who made this possible including Snohomish County Corrections, Snohomish County IT, Marysville IT, Marysville jail, police command staff, the Legal department, the Public Defender's Office, Court staff, and Suzanne Elsner for spearheading this. Another collaborative project was the partnership with the Police Records Unit and the Information Services department to develop an electronic form to recall warrants. The clerks can now complete a form and submit it electronically to the Police Records department. This helps staff to become more efficient because the form can be sent immediately from any computer. Additionally, the court worked with these departments to develop an electronic reporting system for defendants booked at the county jail on outstanding Marysville warrants. This gives defendants in custody at Snohomish County Jail an accelerated hearing before a Marysville judge. These two projects combined save the City over \$1000 in forms and supply costs, but most notably, because

defendants are able to see a judge earlier, substantial savings in the cost of additional jail time for those housed at the County.

Safety at the courthouse is a major concern for all and is a continued challenge. The Court Unit provides increased security and an ability to expand the jail alternative programs. They provide immediate consequences with an average of 30 people per month taken into custody from the courthouse. They also have the ability for immediate contact with Home Detention. Defendants are allowed to pay detention costs through the courts. The City has one probation officer with a caseload average of 179 cases per month. She conducts an average of 82 appointments per month. The probation recommendations are accessible from the bench through the City's case management system.

Summary of court statistics:

- Over 1300 citizens summoned for jury duty
- 720 citizens from Marysville
- 9 trials, 6 by Marysville, 81 hours of trial
- 2900 arraignments/ first appearances
- 5100 dispositions
- 2222 infraction hearings
- Over 1500 outstanding warrants.

Judge Towers informed the Council that Judge Gillings sat as the Snohomish County Law and Justice Mental Health Court Subcommittee Chair. He also received the *Judge of the Year Award* from Snohomish County Bar for his work on the Mental Health Court. Judge Towers currently sits on two committees with the District Court Municipal Judges Association and will continue as presiding judge for the next two years. Suzy Elsner serves as Vice President for the District Municipal Court Managers Association and is the Statewide Security Liaison for that group. She also received the *Outstanding Alumni Award* from the Department of Law and Justice for Central Washington University.

Other significant highlights include: SODA Orders, Marysville University, YMCA Mock Trials, Marysville School District Career Fair, and Quarterly User Group Meetings. Challenges ahead for 2013 include public defense caseload standards, access to justice, and the expansion of website and online services. She thanked all of her staff, all city department heads and staff, the Mayor and Council for their continued support.

#### C. Council Candidates' Presentation

City Attorney Grant Weed reviewed the council member selection process for the benefit of the public in attendance. The following candidates gave their presentations regarding their backgrounds and qualifications for the position of city council member:

1. Roger Hoen
2. Cheryl Deckard
3. James White
4. Kamille Norton

5. Robert Weiss
6. Iris Lilly
7. Scott Allen
8. Gregory Cook
9. Marvetta Toler

Mayor Nehring thanked all of the candidates for their presentations. He noted that they all would be returning on February 25 for Part 2 of the interview process.

### **Approval of Minutes**

1. Approval of the January 14, 2013, City Council Meeting Minutes.

**Motion** made by Councilmember Muller, seconded by Councilmember Stevens, to approve the January 14, 2013, City Council Meeting Minutes. **Motion** passed unanimously (6-0).

### **Consent**

2. Approval of the January 23, 2013, Claims in the Amount of \$582,954.39; Paid by Check Number's 82170 through 82319 with No Check Number's Voided.
3. Approval of the January 18, 2013, Payroll in the Amount of \$784,409.70; Paid by Check Number's 26237 through 26272.
12. Approval of the January 30, 2013, Claims in the Amount of \$351,945.10; Paid by Check Number's 82320 through 82406 with No Check Number's Voided.
13. Approval of the February 5, 2013, Payroll in the Amount of \$1,478,334.37; Paid by Check Number's 26300 through 26315.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Consent Agenda items 2, 3, 12, and 13. **Motion** passed unanimously (6-0).

### **New Business**

4. Authorize the Mayor to Sign the Supplement No. 6 to the City's Professional Services Agreement with BergerABAM, Extending the Agreement End Date to May 31, 2013.

Director Nielsen reviewed this item. There were no questions or comments.

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to Authorize the Mayor to Sign the Supplement No. 6 to the City's Professional Services Agreement with BergerABAM, Extending the Agreement End Date to May 31, 2013. **Motion** passed unanimously (6-0).

5. Authorize the Mayor to Sign the Amendment No. 2 to the State of Washington Department of Enterprise Services Intergovernmental Agreement No. 200-WPC-219.

Director Nielsen reviewed this item. There were no questions or comments.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Stevens, to Authorize the Mayor to Sign the Amendment No. 2 to the State of Washington Department of Enterprise Services Intergovernmental Agreement No. 200-WPC-219. **Motion** passed unanimously (6-0).

6. Authorize the Mayor to sign the Professional Services Agreement with Aclara Technologies, LLC.

This item was removed from the agenda.

7. Authorize the Mayor to Sign the Professional Services Agreement with Paymentus Corporation.

Financial Operations Manager John Nield explained an option was added to either eliminate or approve e-check verification for customers at no additional charge to the City.

**Motion** made by Councilmember Muller, seconded by Councilmember Wright, to Authorize the Mayor to Sign the Professional Services Agreement with Paymentus Corporation. **Motion** passed unanimously (6-0).

8. A **Resolution** of the City of Marysville Declaring Various Certain Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.

Director Nielsen reviewed this item. There were no questions or comments.

**Motion** made by Councilmember Wright, seconded by Councilmember Stevens, to approve Resolution No. 2341. **Motion** passed unanimously (6-0).

10. An **Ordinance** of the City Of Marysville, Washington, Authorizing the City of Marysville to Continue to Impose a Sales and Use Tax as Authorized by RCW 82.14.415 as a Credit Against State Sales and Use Tax; Certifying the Costs to Provide Municipal Services to the Central Marysville Annexation Area; and Setting a New Threshold Amount for Fiscal Year 2013 Relating to Annexations.

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to adopt Ordinance No. 2917. **Motion** passed unanimously (6-0).

11. An **Ordinance** of the City Of Marysville, Washington, Amending MMC 14.07.005 (General Fee Structure), MMC 14.07.010 (Capital Improvement Charges), MMC

14.19.050 (Surface Water Utility Rates) and MMC 14.19.080 (Reductions and Appeals) and Providing for Severability.

Director Nielsen reviewed this item. There were no questions or comments.

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to adopt Ordinance No. 2918. **Motion** passed unanimously (6-0).

## Legal

### Mayor's Business

- He thanked the Council for organizing the process for the council position replacement and for putting in the extra time required. He is looking forward to continuing this process on February 25.
- He, Gloria Hirashima, Caldie Rogers from the Chamber, Patrick Pierce from Economic Alliance Snohomish County, and Al Aldrich, the City's lobbyist, went to Olympia to testify for the industrial bill. Mayor Nehring said he was encouraged by the response they got. He recognized Representative Sells, Senator Hobbs, and Representative Hope and others who have done a lot to help the City.
- Mayor Nehring spoke at Rachel's Challenge at Liberty Elementary last week. This is a great group of kids trying to make a difference in the community.
- He and Gloria met with Max Brown, Senator Murray's aide for this area, about transportation issues.
- SERS Board passed a number of resolutions and also discussed the old console replacement for SnoPac and SnoCom.
- CT Board had a 10-year plan hearing and updates on the fuel hedge policy.
- He and Doug Buell met with folks organizing the Relay for Life. He encouraged everyone to participate.
- There was a meeting earlier tonight in Arlington with Bob Drewel from PSRC, the top three officials from Economic Alliance Snohomish County, and Alex Pietsch, the Director of Aerospace for the Governor's Office. It was a great opportunity for the City to highlight our thousand acres in conjunction with the acreage that Arlington has and the idea of putting together and getting an approved Manufacturing/Industrial Center up there. This would give the City an opportunity for grant money, infrastructure and other things that MIC's are eligible for.

### Staff Business

Jim Ballew:

- There were over 800 participants in the Father Daughter dance circuit. He commended staff and the Marysville Kiwanis Key Club.
- He informed Council that every Thursday night in the month of March there will be a free presentation of the HBO series, "Weight of the Nation" at the YMCA. This will be presented on behalf of the Healthy Communities Initiative.
- Carmen Rasmussen was very grateful and touched for the nice celebration.



- He informed the Council that Merton Turk passed away. As a result of his passing, the life estate that was attached to Mother Nature's Window will be dissolved and the park will be conveyed to the City.

Chief Smith:

- It was a privilege to promote Sgt. Sparr. It was well-deserved and there are high expectations of him.
- The Police department conducted commander and lieutenant testing last week. Kristie Guy and Marcia Kelley should be acknowledged for the amount of work they did in this process. He has received very positive comments on the process.
- He talked with Darin Rasmussen who loves his job as Assistant Chief at Western Washington University.
- An arrest was made in a homicide from a couple weeks ago. More information on this will be coming. He commended the detectives, the NITE team, patrol personnel, and the prosecuting attorney's office.
- Mayor Nehring acknowledged that this has been a very tough time for the Police department with the SWAT team and homicide, not to mention the testing. He commended Chief Smith for his focus on leadership and development over the years.

Kevin Nielsen stated that Public Works crews have been dealing with storm water throughout the City in the last couple weeks. Staff is taking this very seriously and doing what they can to resolve issues.

Doug Buell had no comments.

Sandy Langdon confirmed that there will be a Finance Committee meeting next Wednesday at 4:30 p.m. Council will also be receiving an invitation for the exit interview for the audit soon.

Grant Weed stated the need for an Executive Session to potentially cover three items - one concerning real estate, one concerning potential litigation, and the third, whether the Council wants to allot some time for discussion regarding council candidates. He estimated that the first two items would take ten minutes with potential action requested on the real estate item.

Gloria Hirashima:

- It's been an interesting experience working on these two bills. She said she wouldn't recommend that they write and sponsor bills every session. It has been especially interesting working with the registered sex offender bill as there have been many changes to the proposal. The industrial bill has been a more pleasant experience.
- She gave an update on the CrossFit meeting with Downtown Merchants. There was a good discussion. One of the suggestions was that the City consider angle parking on 2<sup>nd</sup> Street to provide more parking between State Avenue and Alder. This could produce about 28 additional parking spaces in that area and could be

done internally. CrossFit has agreed to contribute toward that effort prior to an expansion of their business.

### **Call on Councilmembers**

Steve Muller:

- Congratulations to the Police department for the excellent work they do, especially Chief Smith for his excellent leadership.
- Thanks to the candidates for their presentations tonight.
- He went to the YMCA Invest in Youth kickoff where 110 people attended. This year's campaign was dedicated to Caroline Brown.

Rob Toyer thanked all the candidates for coming out tonight.

Michael Stevens:

- Thanks to the City for the effort they are putting forth in Olympia on these two important bills.
- Thank you to all the candidates for their presentations tonight. It's nice to see such a variety of applicants.
- Carmen Rasmussen's farewell was a nice event.
- The Father Daughter Dance was a great event. He noted that the emcee complimented the City of Marysville's community partners for this event.

Jeff Seibert:

- Congratulations to Chief Smith for the promotion in his department.
- Thanks to the candidates for coming out.
- He commented that individuals from the North Sound Stealth were doing a fundraiser at a four-way stop at Lakewood Crossing selling Krispy Kremes. He recommended contacting them to let them know that disrupting traffic is not okay.
- Public Works Committee discussed starting a campaign called "Keep the Change" which would put up signs at intersections to combat panhandling. This would encourage people to contribute to organizations that actually help the homeless.
- Councilmember Seibert commented on his availability for the Economic Development Committee. There was discussion about when to set the meeting. It was decided that staff will contact the participants to check on availability.

Donna Wright:

- Kudos to Police department.
- Thanks to all the candidates for the council position that came tonight.
- The YMCA Invest in Youth dinner was a tribute to Caroline Brown and the work she did in the community.
- She is looking forward to spending a few days in Olympia this next week and meeting with legislators and the AWC. She has been appointed to the nominating committee and they will be looking for directors. She encouraged any council members interested to let her know.

Jeff Vaughan:

- Thanks to all the candidates who came tonight to share their thoughts and ideas.
- He stated he will be unable to attend the Finance Committee meeting.
- He shared his excitement about the Paymentus Corporation contract and the new payment method.

There was discussion about whether or not to hold an Executive Session to discuss the council candidate qualifications. Councilmember Vaughan stated that he would prefer not to do it in Executive Session in order to keep the process transparent. Councilmember Muller concurred, but expressed concern about how the Council could assure they have a broad range of questions for the interviews. There was consensus to have council members submit questions to CAO Hirashima in advance of the next meeting and trust her to identify if there are any issues. She will then email the questions back to the council members so they can review the questions.

The Council recessed at 9:00 p.m. for five minutes after which time they reconvened in Executive Session for ten minutes to discuss one item concerning real estate and one item concerning potential litigation with potential action requested on the real estate item.

### **Executive Session**

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

**Motion** made by Councilmember Seibert, seconded by Councilmember Toler, to enter into a commercial lease at 601 Delta with Barion Baptist Church. Approval subject to review of City Attorney. **Motion** passed unanimously (6-0).

### **Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 9:20 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor  
Jon Nehring

\_\_\_\_\_  
April O'Brien  
Deputy City Clerk

]

]

]