

**Work Session**

May 6, 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, Kamille Norton, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

**Absent:** None

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Financial Services Manager John Nield, and Recording Secretary Laurie Hugdahl.

**Committee Reports**

Councilmember Seibert reported on the Friday, April 26 Public Works Committee meeting. The committee talked about the Transportation Benefit District and what they might be able to do if the voters passed an increase in sales tax to help pay for maintenance and/or some projects. It was the recommendation of the committee to bring that item forward for action tonight.

**Discussion Items**

**Approval of Minutes**

1. Approval of the April 8, 2013, City Council Meeting Minutes.
2. Approval of the April 22, 2013, City Council Meeting Minutes.

## Consent

3. Approval of the April 17, 2013, Claims in the Amount of \$366,885.04; Paid by Check Numbers 83937 through 84086 with Check Number 81966 Voided.
4. Approval of the April 24, 2013, Claims in the Amount of \$488,137.87; Paid by Check Numbers 84087 through 84255 with Check Number 83806 Voided.
5. Approval of the April 19, 2013, Payroll in the Amount of \$816,390.72; Paid by Check Numbers 26481 through 26514.

## Review Bids

6. Award the Bid for the 51<sup>st</sup> Avenue NE Overlay (Grove Street to 80<sup>th</sup> St. NE) Project.

Public Works Director Nielsen stated that this is for overlays. Staff was very pleased that the bid came in for roughly \$30,000 under engineer's estimate.

## Public Hearings

### New Business

Mayor Nehring stated that they would be moving item 14 to the beginning of New Business to accommodate members of the audience who were present for that discussion.

14. An **Ordinance** of the City of Marysville, Washington, Affirming the Recommendation of the Planning Commission, Providing for the Area-Wide Rezone of Four (4) Existing Manufactured Homes Parks from Specified Residential Zones to the Residential-Manufactured Home Park (R-MHP) Zone to Conform to the City of Marysville Comprehensive Plan; Amending the Official Zoning Map of the City and Providing for Severability.

Planning Manager Dungan distributed and reviewed a PowerPoint presentation regarding Mobile/Manufactured Home Park Rezones – Planning Commission Recommendation. The presentation reviewed the currently adopted code revisions and criteria for rezone. She discussed the background related to this issue. Marysville has 13 Manufactured Home Parks which contain 1,130 rental spaces. Seven Manufactured Home Parks (MHPs) are in the R-Zones. The Planning Commission is recommending that four of the seven MHPs which comply with the Comprehensive Plan goals and policies of preservation be rezoned to the R-MHP zone; Kellogg Village is already protected, so it is not currently included in the recommendation. Staff's recommendation

proposes to rezone 703 of the 747 spaces in R-zones. The parks proposed for rezone to the R-MHP zone include: Glenwood Mobile Estates, Emerald Hills Estates, Crystal Tree Village, and La Tierra.

Councilmember Muller updated the new councilmembers about the reason for this rezone which would allow for a public hearing process.

Councilmember Stevens reiterated that this is not protecting what the residents in the Manufactured Home Parks have. He stated that he is torn with moving this forward because it adds extra government to the process when it is not needed. He also feels it is promoting a non-sustainable form of housing for individuals that purchase these. He stated that there's no real way out for the homeowners because of the inability to move the units if a property owner does succeed in a rezone. Planning Manager Dungan concurred that this does not protect residents, but it does provide an opportunity for residents to have a voice in the process.

Councilmember Seibert pointed out a typo of the address for Crystal Village in the PowerPoint presentation. Planning Manager Dungan indicated this would be corrected in the ordinance.

7. American Red Cross Authorized Provider Agreement.

CAO Hirashima explained that this relates to employee training for adult and pediatric first aid/CPR/AED and blood borne pathogens.

8. Independent Contractor and Lease Agreement with Kim Reynolds, Mike Reynolds, and Brandon Wilson for the Caretaker Position at Strawberry Fields Park.

Director Ballew explained that Kim Reynolds, Mike Reynolds, and Mike Wilson would move into the facility and start caretaking duties upon approval of the Agreement.

9. Quotation from Tyler Technologies for the Munis Work Orders, Fleet, and Facilities Module Purchase.

Director Nielsen stated that Munis is currently the financial software program for the City. Public Works wants to switch to match that software for work orders in fleet and facility tracking.

10. Local Agency Federal Aid Project Prospectus and Local Agency Funding Agreement with WSDOT thereby Securing Funding for the 53<sup>rd</sup> Ave. NE and SR528 Intersection Improvements Project.

Director Nielson reported that this is federal grant money that the City received for a signal at 53<sup>rd</sup> Ave NE and SR 528 in front of Jennings Park.

## 11. Waterfront Panel Final Report and Recommendations.

CAO Hirashima reviewed Leland Consulting Group's final report and recommendations. The recommendation for the east side was that the City should move forward with a Request for Qualifications (RFQ) to developers for redevelopment. It was the consulting group's opinion that the west side marina project might be secondary to the east side although there was a difference in opinion expressed by some of the participants in the workshop. The Marysville waterfront, in conjunction with the west side development, would be something that Parks would look at to see what kind of additional programming could be conducted on this site including a fly fishing pond, a casting pond, a kayak center, and other activities that would bring more users to the site. The consultant recommended public meetings to talk with the stakeholders to get public input on what types of uses would be ideal for the site. There was also a reference to the RFQ and RFP process in order to get private investment interested in the site. First Street was discussed in terms of landscaping and screening of the back of the mall site as well as making a nice entryway into the site. The City will need to work with agencies to identify the uses on the site as well as the permitting process. Leland had some recommendations for the marina including reconfiguring the site. Also, throughout the exercise of redeveloping the waterfront, the recommendation was made to continue to strengthen the downtown retail core group and the business group.

Councilmember Seibert referred to the residential area on the east side and asked if there would be an opportunity for setting aside some space for retail shops and coffee shops, similar to the area in Tacoma on the waterway near the glass museum. Agua Verde Paddle Club in the University District of Seattle is also a wonderful place which he enjoys visiting. It would be great to do something like that.

Councilmember Wright suggested having phases in order to break it down the recommendation a little better. CAO Hirashima replied that the consultant's recommendation was to start on the east side, but part of tonight's discussion is asking what is most important to the Council.

Councilmember Muller noted that they should start with something that would have a high level of success in order to get buy in to the project. He pointed out that accepting this recommendation would just start the process. CAO Hirashima concurred.

Councilmember Toyer asked if there has been any interest in this. CAO stated that there has been some interest. One of the comments they received in a public participation process was the concern by property owners that this is a risky area and no new development has occurred there in many years. Many of the potential developers want to see what the City is willing to do as part of that package. She thinks it will take some significant public investment to get the ball rolling.

Councilmember Seibert asked what the current right-of-way is on First Street. Director Nielsen said it was currently 75 feet. Councilmember Seibert asked if it was the consultant's recommendation to carry this all the way east. CAO Hirashima said they wanted to have this for at least the first block for turn lanes. Councilmember Seibert

commented that the Public Works Committee has discussed eliminating the truck route on First Street which would improve safety and improve walkability. He asked if there are still plans for a city campus in that area. CAO Hirashima commented that this is still a possibility because the site has a lot of potential and room. The consultant only looked at the lower portion, but the northern portion up to First Street has an area that also could be developed. The consultant's concern was that this area wasn't visible enough for a city campus.

Councilmember Toyer asked CAO Hirashima if she was surprised by the consultant's recommendation. CAO Hirashima said she was surprised by the housing recommendation; although it made sense after they explained it. She had thought there would be more emphasis on commercial uses.

## 12. Roy Robinson Subaru Utility Request.

CAO Hirashima stated that the City is looking at a request to serve utilities to the Roy Robinson Subaru site. The site is outside the city limits, outside the utility service area, and on the Tulalip reservation. In the past the City has looked at a couple situations where they had similar circumstances. The Tulalip Cultural Museum was approved because it was a public building. A resolution was adopted with the Tulalip Tribes stating their intent to ultimately work with the City to discuss water and sewer transfer on the reservation. The most recent request for the Tulalip gas station was ultimately denied based on the issue of the UGA/city limits/utility service area.

The current request has been under discussion for a while. Staff is currently reviewing the water and sewer plans which have been submitted to the City. The site is immediately west of I-5 on land currently leased by a tribal member and is going through review by the Tulalip Community Development Department. Staff has had discussions with them because the City wants to advance the purchase of the water and sewer by the Tulalip Tribes. The City was originally looking at a Memorandum of Understanding (MOU) with the Tribes which would state that the water and sewer infrastructure would eventually be transferred to the Tribes. The Tribes gave the City a Letter of Intent today relating to the water and sewer and the proposed connections and indicated that the MOU would be taken to the board for approval. CAO Hirashima explained that one option for the Council would be to approve the request under the MOU between the Tulalip Tribes and the City of Marysville. Another option would be to approve it without reference to the MOU. The third option would be denial of the request.

City Attorney Grant Weed added that under any scenario where the City approves the request, it would be critically important for the underlying owner of the property and Roy Robinson Subaru to understand that the utility, service, and rates would ultimately be under the control of the Tribes. Any action the City would take would merely be interim relief until the Tribes take over the utility.

Councilmember Toyer asked about the reason for denial of utilities to the Chevron station. CAO Hirashima explained that it was denied because it was outside the city

limits and outside the utility service area. She mentioned that the MOU with the Tribes was written with a provision that said the City would also hook up the gas station at this time.

Councilmember Muller asked what would trigger the issue with the GMA and the state. City Attorney Weed said it would occur upon the provision of actual services. Councilmember Muller asked Director Nielsen why the older connection with the Shell gas station did not stay with the property. Director Nielson replied that usually it's the ERU base.

Councilmember Seibert referred to the Letter of Intent and asked what number 5 means. CAO Hirashima explained that she was not sure, but noted that the actual MOU would be spelled out more clearly. Councilmember Seibert asked if a MOU had been proposed with the gas station issue. CAO Hirashima stated that it had not.

Councilmember Muller asked if there are case examples of these being challenged. He also wondered if the MOU would put the City in a better position. City Attorney Grant Weed reviewed a reported case called *Thurston County v. Cooper Point Association* which involved an appeal of a Growth Management Hearings Board decision which interpreted the Growth Management Act as saying that only under very limited circumstances do cities have the authority to serve utilities outside of their GMA. A sewer purveyor attempted to serve a development that was fairly well removed from the UGA and the court said it wasn't allowed under the GMA. Mayor Nehring pointed out that this is a unique scenario since the Tribes are a sovereign nation, and there is no way it could be part of the City's UGA. City Attorney Weed commented that the provisions of the GMA may not apply to the Tribes, but they would still apply to the City.

Councilmember Seibert recalled that the City ran into an issue like this with the Navy base because they are a government entity. CAO Hirashima noted that they are in the UGA, but they are not in the City.

13. A **Resolution** of the City of Marysville for the Acceptance of a \$100 Wal-Mart Gift Card Subject to Conditions.

Parks and Recreation Director Ballew explained that during Clean Sweep Week the Wal-Mart employees provided a gift card for \$100 to the Parks and Recreation Department to be used this summer in efforts to upgrade the community. This is a resolution accepting the gift. There were no comments or questions on this item.

15. An **Ordinance** of the City of Marysville amending Section 14.05.030 of the Marysville Municipal Code Addressing Liens and Extending the Effectiveness of a Sewerage Lien to One Year Without the Necessity of Any Recording.

John Nield, Financial Services Manager, stated that this ordinance would increase the sewer lien from six months to one year. This will make it more consistent for the accounting process and more efficient.

Councilmember Seibert asked if this means they would have a year to put a lien on a property. Mr. Nield explained it means they could assess a lien up to one year for the fees on a sewer.

Councilmember Toyer asked how many properties this would affect. Mr. Nield said it would be a lot less once they purchase the Sunnyside water from the PUD.

16. An **Ordinance** Of The City Of Marysville, Washington, Amending Chapter 6.28 To The Marysville Municipal Code Entitled "Stay Out Of Drug Areas (Soda) Orders" To Amend 6.28.030 To Add Penalties; Providing For Severability; And Effective Date.

City Attorney Weed explained that Council adopted the SODA several months ago. In the initial stages of implementing it, there was some confusion by the courts, police, and prosecutors which he discussed in detail. The amendment would make it a separate gross misdemeanor for violation of a SODA ordinance and would make it clear to the courts that they can impose separate penalties. It would put more teeth into the SODA ordinance and subject those who don't go by the order of the court to be cited and arrested for a separate offense. He recommended approval of the amending ordinance.

Councilmember Seibert referred to section 6.28.025 and asked for confirmation that this would apply to any drug free zone. Grant Weed affirmed that all the other drug free zones would be included.

## **Legal**

### **Mayor's Business**

Mayor Nehring had the following comments:

- PSRC held its annual meeting on April 25. Bob Drewel is planning on retiring at the end of this year which will be a loss for Snohomish County. Mayor Nehring expressed appreciation for all that Bob Drewel has done.
- The Arts Council held their second annual Raining Art event on Friday and Saturday at the old Dunn Lumber building. It's good to see them having such success with their events.
- He thanked everyone involved in Clean Sweep Week which was a phenomenal event.
- Thanks to Council for coming to the Volunteer Appreciation Dinner.
- Congratulations to Jim Ballew on the Fishing Derby.
- Cinco de Mayo was a great event.
- Relay for Life City Team had a yard sale and car wash over the weekend which raised a lot of money.

## Staff Business

Sandy Langdon had no comments.

Kevin Nielsen:

- Shoulders are going in on 51<sup>st</sup>. He commented that it's amazing how much traffic 51<sup>st</sup> has. Staff is starting to look at signal warrants for 84th and 51st and 80th and 51<sup>st</sup>. They will do traffic counts to see how that works out.
- The striping of Second Street is done and has gone from parallel to diagonal parking. It is amazing how the change affects the feel of the street. Councilmember Muller asked how many new spots there are on Second Street. Director Nielsen was not sure, but said he'd bring that information back.
- Mowing is also starting to pick up due to the warm weather.
- He announced that they received a \$700,000 Safe Routes to School grant for in front of Marshall.

Jim Ballew:

- The Fishing Derby was outstanding with the perfect weather and the new pond. There was a record crowd with at least 800 people fishing. Thanks to Everett Salmon and Steelhead. The Kiwanis Club also did a great job with the pancake breakfast.
- Challenge Day is June 1 at Allen Creek Elementary from 10 to 3.
- On Wednesday night the Park Board will be going out on a park tour at 5:30. They will also be making a recommendation for the tree park name.
- He and Donna Wright attended a fascinating Snohomish Health District event last week regarding the Health Assessment of Snohomish County.

John Nield had no further comments.

Grant Weed:

- He commented that the legislature passed a bill which would require cities in all instances to impose impact fee deferrals. It would take away much of the local discretion on impact fees, including school impact fees, and would be permanent. AWC and some other groups have drafted a letter urging the governor to veto the bill.
- He stated the need for an Executive Session to last 15 minutes to discuss two matters concerning real estate and one matter concerning personnel and discipline with no action requested.

CAO Hirashima reported that the medical marijuana collective moratorium is set to expire in June. Staff has been doing research to find out what the options are. They have been in communication with the cities of Arlington and Lake Stevens to make sure neighboring cities are on the same page. Three possible options include a nuisance based ordinance, a zoning based ordinance, and not allowing it at all. The last option appears to be consistent with what the City has been doing. Upon discussion, staff and police personnel for the neighboring cities felt that this would be the preferred approach.



City Attorney Weed explained that a number of cities in the region have medical marijuana moratoriums that are expiring. He reviewed how this is playing out in Kent and other cities that have tried to ban collective gardens through zoning. CAO Hirashima stated that they are starting the process through the Planning Commission. It will go through public hearing and then proceed to City Council for action.

The *City Scene* newsletter was distributed to all the councilmembers. CAO Hirashima commended Doug Buell's work on this and solicited ideas for future stories and distribution points.

Staff has received a lot of complaints about panhandling in private parking lots. Upon researching the issue, they have learned that the City can enforce panhandling and trespass rules in private parking lots. Private property owners have the right to say that people cannot panhandle in their parking lots. Staff has talked to police to confirm they are aware of that.

### **Call on Councilmembers**

Michael Stevens:

- He suggested putting the *City Scene* newsletters on community boards at grocery stores or hotels.
- He relayed a comment he heard from a citizen who had high praise for Gloria Hirashima and the Community Development Department.
- Congratulations to staff on the Safe Routes to School grant. He asked about a timeline. Director Nielsen thought it would be sometime next year.
- He is going to attend the fire ops this year as an alumnus.

Steve Muller:

- The volunteer appreciation dinner was very nice. Thanks to staff for doing a great job on that.
- Second Street looks great.

Donna Wright had no comments.

Jeff Seibert:

- He referred to the overlay of 51st Street and requested that they remove the hump. Director Nielsen comment that they would grind the hump out and also do dig outs.
- He asked about a vote for the TBD. Mayor Nehring explained that they just learned there was no way to get it on the ballot in time. It will be brought back for a general discussion, but there is no urgency.

Kamille Norton reminded everyone that this Friday is the Marysville City Band event which she will be emceeding.

Rob Toyer had no further comments.

Jeff Vaughan had no comments.

Council recessed at 8:45 for five minutes before reconvening into Executive Session at 8:50 p.m. for 15 minutes to discuss two matters concerning real estate and one matter concerning personnel and discipline with no action requested.


### **Executive Session**

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

### **Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 9:05 p.m.

Approved this 28 day of May, 2013.

  
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Mayor  
Jon Nehring

  
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Deputy City Clerk  
April O'Brien