

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
<b>Approval of Agenda</b>	Approved
<b>Committee Reports</b>	
<b>Approval of Minutes</b>	
Approval of the May 13, 2013, City Council Meeting Minutes.	Approved
<b>Consent Agenda</b>	
Approval of the May 22, 2013, Claims in the Amount of \$496,780.36; Paid by Check Number's 84716 through 84858 with Check Number's 76307, 83786, 84427, and 84515 Voided.	Approved
Approval of the May 29, 2013, Claims in the Amount \$314,755.36; Paid by Check Number's 84859 through 84986 with No Check Number's Voided.	Approved
Approval of the May 20, 2013, Payroll in the Amount of \$1,207,067.25; Paid by Check Number's 26569 through 26629.	Approved
Approval of the Special Event Permit for the Marysville Downtown Merchants Association to Conduct a car show "Rodz on 3rd" on July 13, 2013, Including the Street Closure of 3rd Street between State Avenue and Quinn Avenue.	Approved
Approval of the Firework Stand Permit Applications.	Approved
Authorize the Mayor to Sign the Contract Renewal with J.K. Eastbury Salvage Metals and Auto Wrecking for Scrap Metal Disposal/Recycling Services.	Approved
Authorize the Mayor to Sign the Maintenance Agreement between Aclara Technologies LLC and the City of Marysville.	Approved
<b>Review Bids</b>	
Award Bid for the Decant Facility Retrofit Contract to SRV Construction, Inc. in the Amount of \$873,357.94; Including Washington State Sales Tax and Approve a Management Reserve of \$100,000.00 for a Total Allocation of \$973,357.94.	Approved
<b>Public Hearing</b>	
<b>New Business</b>	
Planning Commission Recommendation Relating to Multi Family and Commercial Design and Open Space Amenity Standards.	Approved
Consider Approval of an Ordinance Affirming the Planning Commission's Recommendation.	Approved Ord. No. 2927
Hearing Examiner Recommendation on the Trivett Rezone located at 8021 State Avenue.	Approved
Consider Approval of an Ordinance to Rezone the Eastern Portion of 8021 State Avenue to General Commercial, Amending the Official Zoning Map of the City.	Approved Ord. No. 2928
Hearing Examiner Recommendation –Lakewood Station Binding Site Plan and Rezone Located North of 172nd Street NE (SR 531), West of 27th Avenue NE.	Approved
Consider Approval of an Ordinance Affirming the Hearing Examiner Recommendation to Rezone Approximately 3.6 Additional Acres from General Commercial to Mixed Use.	Approved Ord. No. 2929

Planning Commission Recommendation – Marysville Capital Facilities Plan 2013-2018.	Approved
Truck Route Modification to Remove the Truck Route designation for 2nd Street.	Approved
Consider Approval of an Ordinance amending MMC 11.62.020 Regarding Designated Truck Routes.	Approved Ord. No. 2930
Consider Naming City Park Located at 9028 67th Avenue NE.	Approved
<b>Legal</b>	
Consider an Ordinance Amending Marysville Municipal Code Section 16.20.050 to Designate the Board of Appeals Established Under Chapter 16.04 MMC and the International Building Code as the Appeals Commission for Dangerous Buildings Under Chapter 16.20 MMC Dangerous Buildings.	Approved Ord. No. 2931
Consider the Second Amendment to Extend the Public Defender Agreement	Approved
Consider the Memorandum of Understanding with the Tulalip Tribes Regarding Sale of Water, Sewer Infrastructure and Future Services within the Contract Area.	Approved
<b>Mayor's Business</b>	
Salary Commission Appointment; Don Culbertson.	Approved
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	8:10 p.m.
<b>Executive Session</b>	8:18 p.m.
<b>Pending Litigation - two items</b>	
<b>Acquisition of Real Estate - one item</b>	
<b>Reconvened into Regular Session</b>	8:52 p.m.
<b>Adjournment</b>	9:01 p.m.

**Regular Meeting**  
June 10, 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. Aaron Thompson from Marysville New Life Church led the invocation.

**Roll Call**

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

**Mayor Pro Tem:** Jeff Vaughan

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

**Absent:** Mayor Nehring

**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, and Recording Secretary Laurie Hugdahl.

Mayor Pro Tem Vaughan stated that Mayor Nehring was at his son's high school graduation.

**Motion** made by Councilmember Toyer, seconded by Councilmember Stevens, to approve the agenda as presented. **Motion** passed unanimously (7-0).

**Committee Reports**

Councilmember Seibert reported on the June 7 Public Works Committee meeting:

- The Transportation Improvement Plan was discussed. Not a lot has been added due to the nature of the economy.
- Getchell Hill will be having a neighborhood meeting to discuss whether or not to make part of the hill a dead end or to make modifications to eliminate through traffic that should be using Ingraham Blvd.

- There was also discussion of Marysville West utilities which are on the agenda tonight.

### **Audience Participation**

Holly Thompson, 4517 117<sup>th</sup> Place NE, Marysville, WA, discussed traffic problems relating to school traffic at Marshall Elementary. She expressed frustration that people are using 44<sup>th</sup> Drive as a parking/waiting area. She wants signs on 44<sup>th</sup> Drive to keep parents off the street. She requested that this situation be addressed as soon as possible.

Councilmember Muller commented that staff, Council, and the school district have been discussing the situation to see what can be done. Director Nielsen concurred.

### **Approval of Minutes**

1. Approval of the May 13, 2013, City Council Meeting Minutes.

**Motion** made by Councilmember Wright, seconded by Councilmember Norton, to approve the May 13, 2013 City Council Meeting Minutes as presented. **Motion** passed unanimously (7-0).

### **Consent**

2. Approval of the May 22, 2013, Claims in the Amount of \$496,780.36; Paid by Check Number's 84716 through 84858 with Check Number's 76307, 83786, 84427, and 84515 Voided.
3. Approval of the May 29, 2013, Claims in the Amount \$314,755.36; Paid by Check Number's 84859 through 84986 with No Check Number's Voided.
4. Approval of the May 20, 2013, Payroll in the Amount of \$1,207,067.25; Paid by Check Number's 26569 through 26629.
11. Approval of the Special Event Permit for the Marysville Downtown Merchants Association to Conduct a car show "Rodz on 3rd" on July 13, 2013, Including the Street Closure of 3rd Street between State Avenue and Quinn Avenue.
12. Approval of the Firework Stand Permit Applications.
13. Authorize the Mayor to Sign the Contract Renewal with J.K. Eastbury Salvage Metals and Auto Wrecking for Scrap Metal Disposal/Recycling Services.
14. Authorize the Mayor to Sign the Maintenance Agreement between Aclara Technologies LLC and the City of Marysville.

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to approve Consent Agenda items 2, 3, 4, 11, 12, 13, and 14. **Motion** passed unanimously (7-0).

### Review Bids

5. Award Bid for the Decant Facility Retrofit Contract to SRV Construction, Inc. in the Amount of \$873,357.94; Including Washington State Sales Tax and Approve a Management Reserve of \$100,000.00 for a Total Allocation of \$973,357.94

Director Nielsen reviewed this item noting that staff applied for an Ecology grant for this project so they are very excited to get going on it. Also, the City was just contacted by the PUD who expressed an interest in partnering with the City to use the decant facility. He noted that there are options for Council in the future to look at partnering with other jurisdictions and gaining revenue as a regional provider of that service.

**Motion** made by Councilmember Stevens, seconded by Councilmember Seibert, to authorize the Mayor to award the bid for the Decant Facility Retrofit Contract to SRV Construction, Inc. In the Amount of \$873,357.94; Including Washington State Sales Tax and Approve a Management Reserve of \$100,000.00 for a Total Allocation of \$973,357.94. **Motion** passed unanimously (7-0).

### Public Hearings

#### New Business

- 7a) Planning Commission Recommendation Relating to Multi Family and Commercial Design and Open Space Amenity Standards.

Planning Manager Chris Holland stated that this is an update to the multi-family and commercial design and open space standards. These have been modeled after the City of Everett and those contained in the Sunnyside-Whiskey Ridge Subarea plan to get a better quality project for the future.

**Motion** made by Councilmember Muller, seconded by Councilmember Toyer, to approve the Planning Commission recommendation. **Motion** passed unanimously (7-0).

- b) Consider Approval of an Ordinance Affirming the Planning Commission's Recommendation.

**Motion** made by Councilmember Muller, seconded by Councilmember Stevens, to adopt Ordinance No. 2927. **Motion** passed unanimously (7-0).

- 8a) Hearing Examiner Recommendation on the Trivett Rezone located at 8021 State Avenue.

Senior Planner Holland reviewed this item. He stated that there was no new information from last week. The Hearing Examiner has recommended amending the official zoning map.

**Motion** made by Councilmember Wright, seconded by Councilmember Norton, to affirm the recommendation of the Hearing Examiner. **Motion** passed unanimously (7-0).

- b) Consider Approval of an Ordinance to Rezone the Eastern Portion of 8021 State Avenue to General Commercial, Amending the Official Zoning Map of the City.

Councilmember Muller asked if adjoining properties had been looked at. CAO Hirashima stated that staff is currently reviewing that matter.

**Motion** made by Councilmember Muller, seconded by Councilmember Stevens, to approve Ordinance No. 2928. **Motion** passed unanimously (7-0).

- 9a) Hearing Examiner Recommendation –Lakewood Station Binding Site Plan and Rezone Located North of 172nd Street NE (SR 531), West of 27th Avenue NE.

Planning Manager Holland reviewed this item as contained in the staff packet.

Councilmember Seibert asked for confirmation that the applicant will still have to work out the intersection at 25<sup>th</sup> with the City and DOT even if the City approves the zoning. Planning Manager Holland affirmed that they would be approaching DOT to get approval for access on 531. This would probably constitute a minor amendment to the binding site plan which wouldn't affect anything on the rezone portion of the site.

**Motion** made by Councilmember Wright, seconded by Councilmember Stevens, to affirm the Hearing Examiner recommendation. **Motion** passed unanimously (7-0).

- b) Consider Approval of an Ordinance Affirming the Hearing Examiner Recommendation to Rezone Approximately 3.6 Additional Acres from General Commercial to Mixed Use.

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to approve Ordinance No. 2929. **Motion** passed unanimously (7-0).

- 10. Planning Commission Recommendation – Marysville Capital Facilities Plan 2013-2018.

CAO Hirashima reviewed this item. This is something the City worked on as part of a grant from the Department of Commerce. An update was done and processed through the Planning Commission hearing process. She explained that at this point staff is only looking for affirmation of the Planning Commission's recommendation. Due to GMA requirements, the City cannot amend the Comprehensive Plan more than once a year except as a budget process so staff will be bringing an ordinance back at a future meeting as part of a budget amendment process.

**Motion** made by Councilmember Norton, seconded by Councilmember Toyer, to affirm the Planning Commission's recommendation on the Marysville Capital Facilities Plan 2013-2018. **Motion** passed unanimously (7-0).

15a) Truck Route Modification to Remove the Truck Route designation for 2nd Street.

Director Nielsen reviewed this item which would eliminate the truck route from 2<sup>nd</sup> Street except for local trucks and deliveries. CAO Hirashima noted that one of the businesses along 47<sup>th</sup> has been collecting information about the volume of truck traffic that has been disturbing the residents. That data was distributed to Council.

Val Roth, 1812 2<sup>nd</sup> Street, Marysville, WA, spoke in support of modifying the truck routes and commented on the changes she has seen on her street. She complained about the trucks going up and down her street citing the danger to local drivers and pedestrians. She stated that just between 8 and 9:30 a.m. this morning she counted 42 trucks. She would love to see the truck route moved off 2nd Street.

Commissioner Muller spoke in support of getting the trucks off 2<sup>nd</sup> Street, but expressed concern about putting traffic on 4<sup>th</sup> at peak times. Director Nielsen thought that some people would go left onto 529 and others would use I-5. He acknowledged that there would be an effect to 4th, but it is a state route and an arterial so it is more appropriate than a local access road.

**Motion** made by Councilmember Seibert, seconded by Councilmember , to authorize the removal of the truck route from 2<sup>nd</sup> Street, 1<sup>st</sup> Street, and Cedar Avenue as explained by staff. **Motion** passed unanimously (7-0).

b) Consider Approval of an Ordinance amending MMC 11.62.020 Regarding Designated Truck Routes.

**Motion** made by Councilmember Wright, seconded by Councilmember Toyer, to adopt Ordinance No. 2930. **Motion** passed unanimously (7-0).

16. Consider Naming City Park Located at 9028 67th Avenue NE.

Director Ballew explained that the Park and Recreation Advisory Board had made a recommendation for three names to be considered.

Kevin Doleshel, 1608 NW 65<sup>th</sup> Street, Seattle, spoke as a representative of the Doleshel family. He reviewed the family history of the property and thanked the City for even considering keeping the Doleshel name on the property. He stated that his family would be very honored for it to stay that way.

Councilmember Toyer thanked Mr. Doleshel for coming tonight. He said he received several emails from constituents in support of the Doleshel name.

Councilmember Wright asked about the other two families. Director Ballew said he had not heard back from the Matheny family. The Arndt widow is not interested, but another family member is. The Doleshel family is the only family they have had numerous inquiries from and also had support from the family.

Councilmember Muller asked about plans for development of the park. Director Ballew stated that staff has worked with volunteers to clear and thin trees for safety and visibility. They will continue to clear some trees and all the stumps up on the west side of the property with the intent to open that as a park this fall. The bridge is in place, and most of the site elements would be purchased this summer and/or built by Eagle Scouts. Director Ballew met with the Boy Scouts contingency within the community in the last week to look at the park as a possible training area for scouting purposes. They are very excited about that prospect.

Councilmember Muller expressed a philosophical concern about naming the park after the Doleshel family when the property was sold to the City by the family and was not donated.

**Motion** made by Councilmember Seibert, seconded by Councilmember Stevens, to rename the park located at 9028 67th Avenue, the *Doleshel Park*. **Motion** passed 6-1 with Councilmember Muller voting against the motion.

## Legal

18. Consider an Ordinance Amending Marysville Municipal Code Section 16.20.050 to Designate the Board of Appeals Established Under Chapter 16.04 MMC and the International Building Code as the Appeals Commission for Dangerous Buildings Under Chapter 16.20 MMC Dangerous Buildings.

CAO Hirashima explained that as staff was working through an old section of code they noticed that the appeals provision refers to an Appeals Commission which the City does not have. The City does, however, have a Board of Appeals which oversees different aspects of the Building Code. The Board of Appeals is an established board with representation from individuals who have building, fire, electrical, plumbing, mechanical, etc. code experience. Since the Dangerous Buildings section is a building related issue, staff feels the Board of Appeals is the appropriate body to hear these issues.

**Motion** made by Councilmember Muller, seconded by Councilmember Toyer, to adopt Ordinance No. 2931. **Motion** passed unanimously (7-0).

19. Consider the Second Amendment to Extend the Public Defender Agreement

City Attorney Grant Weed explained that the current Public Defender Agreement with Feldman and Lee, P.S. will expire at the end of June. Staff thinks it is appropriate to extend it initially for a short term until August 31 to give staff additional time to explore options the City might have for public defender services. Staff's intent is to bring further action back to the Council during the month of July for consideration.



**Motion** made by Councilmember Wright, seconded by Councilmember Seibert, to authorize the Mayor to sign the Second Amendment to Extend the Public Defender Agreement. **Motion** passed unanimously (7-0).

20. Consider the Memorandum of Understanding with the Tulalip Tribes Regarding Sale of Water, Sewer Infrastructure and Future Services within the Contract Area.

CAO Hirashima noted that the Council approved the MOU with the Tribes on May 28. The Tribes have returned the signed agreement, but have made a couple changes which have been highlighted and forwarded to the Council. For the most part these relate to a future negotiation that the City has embarked on with the Tribes regarding the sale of the Marysville West utilities consisting of all the utilities west of I-5. Staff does not feel the changes affect the substance of the current matter, but are more reflective of things the Tribes would like to discuss in future negotiations. City Attorney Grant Weed reviewed the proposed amendments and indicated that he was comfortable with them.

Councilmember Seibert asked if the City would receive a connection charge if the Q Casino does connect to the utilities. CAO Hirashima explained that is the City's intent. She added that staff has been aware that they are in the midst of remodeling and constructing the Q in that area. In her discussion with Tribes' staff they have indicated that they are preparing for both alternatives - connection to City of Marysville water and sewer and also a standalone system. It is the Tribes' hope that they can reach an agreement with the City. There was discussion about possible scenarios related to the connection charge.

**Motion** made by Councilmember Seibert, seconded by Councilmember Stevens, to authorize the Mayor to sign the amended Memorandum of Understanding with the Tulalip Tribes Regarding Sale of Water, Sewer Infrastructure and Future Services within the Contract Area. **Motion** passed unanimously (7-0).

### **Mayor's Business**

17. Salary Commission Appointment; Don Culbertson.

**Motion** made by Councilmember Wright, seconded by Councilmember Muller, to approve the Mayor's recommendation to appoint Don Culbertson to the Salary Commission. **Motion** passed unanimously (7-0).

### **Staff Business**

Kevin Nielsen:

- 529 is paved and looks good.

- Thanks to Councilmember Muller and Sandy for sitting in on the consultant selection process today.
- Chevy Caprices will be the new police cars if they can get them out of customs due to necessary retrofit.
- PUD had a shutdown of the major pipeline into Marysville in scheduled for late summer. This has been changed to the fall when consumption will be less.
- The PUD will be kicking off a retrofit of their street lights to LED lights.

Chief Smith:

- Police are getting ready for the parade and Strawberry Festival events.
- They will be bringing details about a grant they may be receiving to a Council meeting soon.

Jim Ballew:

- This is the last week of school so things will be moving into summer mode soon.
- This is Strawberry Festival week with a fashion show, carnival, parade, fireworks, etc.
- Thanks for efforts and consideration with the naming of the park tonight.

Sandy Langdon had no additional comments.

Gloria Hirashima had no additional comments.

Grant Weed stated the need for an Executive Session to address two matters regarding pending litigation and one matter concerning the acquisition of real estate with a possibility of action on any or all of the items and expected to last 15 minutes.

### **Call on Councilmembers**

Donna Wright reported that Grove Church will be helping to clean up immediately after the Strawberry Parade.

Jeff Seibert:

- He asked where the new police cars are from. Director Nielsen said they were from Australia.
- He spoke in support of the brightness of the LED street lights. He has noticed a big difference in his neighborhood.

Michael Stevens had no further comments.

Rob Toyer had no further comments.

Steve Muller said he attended the ribbon cutting for the new Quik Stop Gyro Pita Pit which was very good.

Kamille Norton said she was looking forward to the Strawberry Festival Week and challenged the other council members to a race at the Berry Run.

Council recessed at 8:10 p.m. for five minutes before reconvening in Executive Session at 8:18 p.m. to discuss three items - two pending litigation matters and one item concerning the acquisition of real property with possible action on any or all of the items and expected to last 15 minutes.

### **Executive Session**

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

Executive Session extended twice, first for fifteen minutes, and then for four minutes.

Reconvened into Regular Session at 8:52 p.m.

**Motion** made by Councilmember Wright, seconded by Seibert, to authorize the Mayor to executed the settlement with New Cingular Wireless (option B – credit). **Motion** passed unanimously (7-0).


**Motion** made by Councilmember Muller, seconded by Stevens, to authorize the Mayor to executed settlement with Brown/Madson. **Motion** passed unanimously (7-0).


**Motion** made by Councilmember Muller, seconded by Seibert, to authorize the settlement with Logan Meston/Local 793. **Motion** passed unanimously (7-0).

### **Adjournment**

Seeing no further business Mayor Pro Tem Vaughan adjourned the meeting at 9:01 p.m.

Approved this 8 day of July, 2013.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk

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- He reviewed developments relating to Arlington Airport and the north Marysville Manufacturing Industrial Center designation which were discussed at Snohomish County Tomorrow last week.

Jeff Seibert commented on a glitch in the tablets with the tabs this week. Director Langdon said staff had noticed that today and thought that it was probably due to the way it was entered. She noted that staff will work on it for next time.

Jeff Vaughan had no comments.

Council recessed at 9:25 p.m. for 5 minutes before reconvening in Executive Session at 9:35 to discuss two items concerning real property acquisition and pending litigation, expected to last five minutes with no action expected.

### **Executive Session**

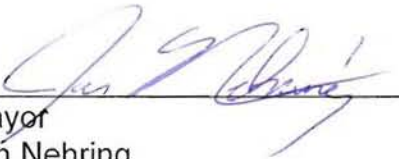
- A. Litigation - one item concerning pending litigation
- B. Personnel
- C. Real Estate - one item concerning real property acquisition

Council reconvened into regular session at 9:35 p.m.

### **Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 9:36 p.m.

Approved this 8 day of July, 2013.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk