

# COUNCIL



# MINUTES

**Work Session**  
*September 3, 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, Police Chief Rick Smith, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

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

## **Committee Reports**

Donna Wright gave an update on the Public Safety Committee.

- K-Mart used Bob the Robot to help with a recent incident, and it turned out to be well worth the money.
- Operations is working with businesses to reduce administration costs. For larger businesses there will be mail-in reporting. Smaller businesses will still get on-call responses.
- Detective Barlow is working with SnoPac. Some of the crimes are up, but assaults are holding the same level.
- The auditors found some things they will be working on to improve in Administration.

- The committee took a tour of the back lot and saw the need for installing a more secure area.
- Staff will be one officer short so there is a need for more support staff at budget time.

Councilmember Stevens reported on the Fire District Board of Directors meeting on August 21.

- The Fire District saw an increase in calls in July.
- They are kicking off their strategic planning efforts
- There was a promotion to captain of one paramedic.

### **Approval of Minutes**

1. Approval of the July 22, 2013 City Council Meeting Minutes.

### **Consent**

2. Approval of the July 24, 2013 Claims in the Amount of \$488,842.92; Paid by Check Number's 85978 through 86136.
3. Approval of the July 31, 2013 Claims in the Amount of \$179, 646.00; Paid by Check Number's 86137 through 86259 with Check Number 86020 Voided.
4. Approval of the August 7, 2013 Claims in the Amount of \$1,103,323.77; Paid by Check Number's 86260 through 86383 with Check Number's 83256 and 85622 Voided.
5. Approval of the August 14, 2013 Claims in the Amount of \$668,571.76; Paid by Check Number's 86384 through 86525 with No Check Number's Voided
6. Approval of the August 21, 2013 Claims in the Amount of \$797,733.50; Paid by Check Number's 86526 through 86688 with Check Number's 74472, 80303, 84759, and 86383 Voided.
7. Approval of the August 5, 2013 Payroll in the Amount of \$1,457,289.75; Paid by Check Number's 26847 through 26897.
8. Approval of the August 20, 2013 Payroll in the Amount of \$854,283.69; Paid by Check Number's 26898 through 26942.

### **Review Bids**

9. Consider Awarding Bid to Rehrig Pacific Company and Authorize the Mayor to Execute the Contract for the Sunnyside Roll Carts: Purchase, Assembly, and Delivery in the Amount of \$86,838.35 Including State of Washington Sales Tax.

Director Nielsen stated that this is for containers needed for the takeover of the Sunnyside/Whiskey ridge area.

10. Consider Awarding the 53<sup>rd</sup> Avenue NE and SR528 Intersection Improvements Project.

This is the signal project that is grant funded. It is located right in front of Jennings Park.

### **Public Hearings**

11. Public Hearing- Consideration of an Ordinance Adopting a Moratorium on the Establishment, Siting, Location, Permitting, Licensing or Operation of Marijuana Cultivation, Production of Marijuana or Marijuana Derivatives (will be held on September 9, 2013).

Grant Weed explained that the staff recommendation is to impose a moratorium. Under state law there is a requirement for a public hearing to be held within 60 days of the adoption of the ordinance opposing the moratorium. Staff would like to combine this along with consideration of the ordinance. He explained that one of staff's main concerns is the fact that the liquor control rules for the administration and implementation of I-502 won't become final until at least November. Once those rules are in place it will open the 30-day window for applications for state-issued licenses for producers, processors, and retailers. He advised that any regulations that the City desires should be in place before any notice comes to the City for issuance of a license, and preferably sooner than that so that the rules in Marysville are clear to all applicants. He went on to explain the federal government's position on this. Mayor Nehring stated that the public hearing would be held next Monday.

### **Action Item**

12. Consider Approval of the Supplemental Agreement Number 2 with Macaulay and Associates on the 156<sup>th</sup> Street Local Improvement District.

CAO Hirashima explained that this is a contract supplement for Macaulay and Associates who are working on the City's 156th Street LID. This supplement is needed to pay for work that needs to be complete prior to the hearing.

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to waive the normal study session rules to allow action on item 12. **Motion** passed unanimously (7-0).

**Motion** made by Muller, seconded by Stevens, to approve the Supplemental Agreement Number 2 with Macaulay and Associates on the 156<sup>th</sup> Street LID. **Motion** passed unanimously (7-0).

## **New Business**

13. Consider Approval of the Interlocal Cooperation Agreement for Inter-Jurisdictional Coordination Relating to Affordable Housing within Snohomish County.

CAO Hirashima reviewed this item. The City of Marysville signed on to be one of the original parties to the Inter-Jurisdictional Coordination relating to Affordable Housing within Snohomish County. For the first couple years that effort was done on a participatory level by the members contributing administrative support and supplemental staffing at no charge. The group has advanced to a more formal level and recently received a \$50,000 grant from the Gates Foundation to fund a full-time housing professional for one year. There are some additional costs which would be divided among the cities; Marysville's portion for Fiscal Year 2013 would be \$3,613 for 2013. The Gates Foundation has indicated that they would do a second year of support if it looks like the effort is promising.

Councilmember Toyer asked how long the agreement goes. CAO replied that it goes until 2015, but the actual funding has only been worked out for the first year. If the Gates Foundation grant does not happen next year this will need to be revisited.

Councilmember Seibert observed that part of the first year's work would be to establish a budget. CAO Hirashima confirmed that.

14. Consider Approval of the Tyler Technologies, Inc. Contract and Invoice in the Amount of \$56,773.05.

Finance Director Langdon noted that this is the annual renewal for the financial system which has been in place since 2003. There were no further comments or questions.

15. Consider Approval of the Supplemental Agreement No. 1 to the Professional Services Agreement with Osborn Consulting Inc. to Authorize a No Cost Time Extension.

Public Works Director Nielsen stated that this is a no cost time extension for Pond 2. Staff is currently in discussion with the Corps about wetlands. There were no further comments or questions.

16. Consider Approval of the Interagency Agreement with the Department of Ecology to Accept Funding.

Public Works Director Nielsen reviewed this item. This is part of the NPDES permit related to the Local Source Control Program. It is 100% grant funded by the Department of Ecology to meet that portion of the NPDES Permit. There were no further comments or questions.

17. Consider the Interlocal Agreement between Snohomish County and the City of Marysville for Auto Theft Task Force Services.

Police Chief Smith explained that this is \$129,187 grant funding for two years. The Auto Theft Task Force petitioned to have all of the positions paid in full, which they received because of their efficiency and effectiveness as a task force.

18. Consider Approval of the Professional Services Agreement with KPG, Inc. in the Amount of \$209,855.41, to Provide Professional Engineering Design Services on Three Federally-Funded HSIP Projects.

Public Works Director Nielsen stated that this is for three projects that received grant funding for \$1.87 million. The City is combining them into one design contract. The major improvement is the additional lane at 88<sup>th</sup> and State. This money is safety money intended to reduce collisions and accidents. It also includes some additional signal, lighting and pedestrian improvements. This money covers the design for the project.

19. Consider Acceptance of the 51<sup>st</sup> Avenue NE Overlay (Grove Street to 80<sup>th</sup> Street NE) Project, Starting the 45-Day Lien Filing Period for Project Closeout.

Director Nielsen explained that this is the project acceptance. He commented that it is a really good project.

20. Consider Approval of the Professional Services Agreement with Blue Marble Environmental LLC in the Amount of \$102,100.63.

Director Nielsen stated that this item will be pulled from the agenda because staff is still waiting for the grant that will pay for the Blue Marble agreement.

21. Consideration of a Rental Housing Inspection Program.

CAO Hirashima stated that in the 2013 legislative session, the City was successful in working with others to pass legislation relating to housing conditions for registered sex offenders. The legislation calls for DOC to consider compatibility of the housing with the surrounding neighborhood and provides for city inspections where an inspection is required as provided for in an existing RCW. Passage of rental housing inspection would enable the inspections referenced in Senate Bill 5105. She stated that other cities, such as Seattle, Pasco, and Mountlake Terrace, have similar programs in existence. CAO Hirashima stated that fire staff, building staff, executive staff, and the city attorney's office reviewed some of the codes. The city attorney's office is recommending the City of Mountlake Terrace's rental code as a basis for Marysville's code. Staff is proposing that the inspection effort be limited to larger multifamily complexes or single-family residences where the family size exceeds city code.

Councilmember Wright commented that the Mountlake Terrace code requires a business license. She asked if every rental property would then have to have a business license. She also wondered if there would be a fee for the inspection. CAO

Hirashima noted that only certain kinds of rental housing situations would require a business license. She replied that there would be a fee for the inspection. City Attorney Grant Weed clarified that there would be a generic threshold for how to apply the inspection program. The Mountlake Terrace model is one way, but there are other possible models as well.

Mayor Nehring stated that this will come back to the meeting on September 23.

22. Consideration of a Resolution of Intent to Participate in Alternative Dispute Resolution.

CAO Hirashima explained that Snohomish County Tomorrow had a legal mediation firm make a report and recommendations on alternative dispute resolution regarding interjurisdictional disputes. The study recommended steps to more peacefully solve problems and recommended that a mediation process be utilized. SCT asked cities to sign an agreement of intent to participate in an alternative dispute resolution in the event that it is ever needed.

## **Legal**

### **Mayor's Business**

Mayor Nehring:

- Homegrown was great. He commended staff and Council for their work on that. He also enjoyed the movies and music in the park. Thanks to Kiwanis and all those who made it possible.
- The Qwuloolt groundbreaking and celebration went very well. Legislators are aware of potential issues that the City may face. Thanks to staff for the hard work done on this project. Thanks to Council for all the consideration of this as well.
- There is a new quilt shop on 3<sup>rd</sup>. It is nice to see a new tenant there.
- Wal-Mart is having their ribbon-cutting on 9/11 on 7:30 a.m.
- Economic Alliance Snohomish County had their summer networking on August 22 with over 300 people in attendance. It was great to see the coalescing coming in around the Alliance with the Boeing issues and other economic development issues.

### **Staff Business**

Finance Director Langdon:

- Staff is well into the budget.
- The audit has been completed.
- Staff performed minor renovation down in the City Hall entry are mostly with products reused from other buildings.
- The City is still going forward with the first bond, which is the City's portion of the LID and other transportation issues. We are looking at going out to market at the end of September.

- She welcomed everyone back.

Chief Smith:

- He stated that it was good to be back and see everybody.
- National Night Out was a great event. Thanks to staff and everyone who showed up.
- Sunday marks his 25<sup>th</sup> year in law enforcement. Over a quarter of his time has been spent here in Marysville, and he is grateful and humbled to be here.
- Sgt. Joby Johnson noticed some errors with way crime statistics were calculated so those are being recalculated.
- The Night Team is fully staffed now. Two people are dedicated to burglaries and are trying to employ some creative efforts to deal with that issue.

Jim Ballew:

- Staff received a letter from the Don Arndt Family about the renaming of the park. It appears there was some confusion about whether or not the family wanted the park named after Don. He, Mayor Nehring, Commander Lamoureux met with the family and learned that that family hadn't actually been contacted by the City. There was an assumption from a previous conversation that they weren't interested, and staff learned that it was not the case at all. He, Mayor Nehring, and Commander Lamoureux all apologized for the misunderstanding. Director Ballew commented that the family was very gracious about the issue, but wanted to make sure that the record was set straight. He commented that if another project comes along that merits that designation, staff will certainly bring that forward. Chief Smith reiterated that they have apologized, but stressed that he believes it was the police department's failure, and they are the ones who bear the responsibility and the burden.
- Director Ballew commented that a lot of work has been done at Doleshel Park. The LDS church will have another Day of Service out there on September 13. Hopefully the park will be done as soon as meadow gets seeded. It is looking really nice out there.
- Parks applied for a Conservation Futures grant for about \$327,000. They were awarded a grant for a reduced value of \$100,000 for Mother Nature's Window, but it would have required matching funds that are not available right now so they opted to return the money.
- Ebey Waterfront Park was well used and at over 100% capacity on Saturday. People were parking on 1<sup>st</sup> Street. The facility was very busy, but very well taken care of by the users throughout the weekend.
- He gave an update on the Bayview Trail. There is a delay because of an Olympic Pipeline location issue. An appraisal is also being done for a final land acquisition.
- September 13 and 14 are Days of Caring. There are some projects that the City will be helping to manage through Catholic Community Services. The actual city projects will be on September 20 and 21. Staff and community volunteers will be helping the American Legion finish painting their building and helping with the

Fantasy Fortress renovation. He invited the Council to come and help. There will also be a barbecue at Jennings Park from 11:30 to 1.

Kevin Nielsen:

- The Public Works Committee meeting will be held this Friday, September 6 at 2:00. There will be a field trip.
- There was a lot of rain last Thursday in a short amount of time. Thanks to the quick response of staff, flooding at public works was avoided. On Thursday and Friday there are rains scheduled with the same intensity.
- He gave an update on the BNSF improvements at 1<sup>st</sup>, 4<sup>th</sup>, and 88<sup>th</sup>. BNSF has indicated that they will be done this month.
- PUD Improvements are on schedule. They are in full construction for the takeover of the PUD area in 2014. Regarding some frequent questions they receive about the takeover, he explained that there will be about a 33% reduction in rates for residents in the area once the City assumes the lines. The residents will not be required to pay for a meter. It is the same water that they currently get from Everett.
- The State Avenue overlay is completed.
- The decant facility also got paved.
- Staff received contact back from the Corps regarding the north-end master plan area. There will not be a region-wide permit, so the City will be doing an individual one. Most of the focus is currently on 51<sup>st</sup> Avenue in order to build the storm drainage and look at the next regional pond for industrial growth, as well as 156<sup>th</sup>.for the tie-in to State Avenue.
- The City completed fish channel mitigation for the Qwuloolt project and will be getting credit for them.
- He gave an update on the trail on the Qwuloolt project which should be ready by the end of the month.
- Graffiti on WSDOT's right of way on 172<sup>nd</sup>. WSDOT said they would get to it when resources are available. 156<sup>th</sup> has been extensively tagged four times in the month of August. The City is trying to stay on top of it and has repeatedly contacted WSDOT.
- Focus for September is on streets with kids going back to school is getting thermoplastic down for crosswalks.
- He agreed that the ramp at Ebey Park is wonderful. He has been enjoying it also.

23. City of Marysville - Berry Farm Condo - Private Road Agreement.

Grant Weed discussed the Berry Farm Condo Private Road Agreement. He explained that the condo association approached the City well over a year ago concerned about speeding within their development and wanting to know what the City could do. The roads within the condo association are private roads so the police do not have the authority to do traffic enforcement there. There is a statute in place allowing certain types of homeowners associations to enter into agreements with law enforcement and cities to enable them to do traffic enforcement on private roads, but it doesn't apply to the Berry Farms homeowners association because it is a condo situation. On their own



initiative, the homeowners association got sponsorship for a bill amending this statute to include the type of association that they are. It ultimately passed and became effective on July 28.

Now that the City has legal authority, the question is whether the City wants to use police department resources to do that. He stated that staff can provide a draft agreement for Council's consideration at a meeting in the future if they are interested. There are not a lot of other associations that have this situation, and none of the others have come to the City requesting assistance. He suggested that they could offer it as a one-year pilot project to see how it works. The City would have authority within the one year to terminate the project if it doesn't work. City Attorney Weed commented that the City would require insurance from the homeowners association. The initial draft agreement says that the City would require a standard sort of indemnity, a bond, and proper signage. They would not be allowed to have speed bumps or gates. The recommendation is that the City would not charge a fee in order not to have an issue concerning a gift of public funds. He noted that there might be some creative ways to have consideration such as having them commit to participating in National Night Out Against Crime or establishing an enhanced Block Watch program that would benefit both them and the community.

Mayor Nehring added that he has met with Mr. Perrin multiple times over the last couple years, and this is an issue he is passionate about. He did some work in Olympia to get a bill passed. Kevin Nielsen further explained that the City laid out the channelization in that subdivision a few years ago because this was such a hot topic. Staff has had resources working with them to try to help them with their traffic flow and their parking issue. He commented that their traffic flow is extremely tight and can be very challenging if there is even one person who doesn't cooperate. City Attorney Weed stressed that this would not have the City take over maintenance or ownership of the streets, just speed enforcement.

Chief Smith pointed out that enforcement in that area would allow police to go in there to write tickets to violators because they are concerned about the safety of the residents in there. He stressed that the residents need to understand that the police also have the rest of the city to be concerned about and one of the top issues in the city is traffic. This just gives police another tool to go out there to enforce traffic laws in that neighborhood. Police feel that parking is a neighborhood issue, and not something the police will be involved with.

Councilmember Seibert commented that there are already other neighborhoods that feel like the City is not providing adequate speed enforcement. He hopes that this helps with issues in that area without detracting from other areas. CAO Hirashima concurred and stressed that they are aiming to provide a level of service similar to other areas in the city, not superior to it.

Grant Weed stated the need to hold an Executive Session to discuss pending litigation for 15 minutes with no action requested.

CAO Hirashima:

- A New Exec Assistant, Leah Ingram, has started and will be assisting with Council matters.
- The state has required that all jurisdictions update their Comprehensive Plans by 2015 in order to be consistent with new population and employment targets that are out. Staff doesn't feel that major adjustments will need to be made to accommodate those. They also don't believe the 2015 comp plan update will be a major effort because of the large amount of work done on the last update. Staff will be consolidating the 2014 amendment cycle. They are doing an amendment cycle right now which will be open until September 30. If people have amendment requests, they can be submitted in this period for consideration in the 2014 update. Staff is trying to get the update done in 2014 because they feel they can get it done early.

### **Call on Councilmembers**

Michael Stevens:

- He will be absent next week.
- The Fill-a-Boot campaign is coming up. They will be targeting State and Grove Streets.
- There will be a coffee conversation on Thursday with Congressman Larsen at Boondockers from 3 to 4 p.m.
- He asked if an Economic Development meeting will be scheduled soon. CAO Hirashima stated that there would be on the third Monday.

Rob Toyer stated that it was good to be back.

Kamille Norton:

- Homegrown festival was great.
- The streets look great.
- Parks activities were wonderful over the summer.
- Congratulations to Chief Smith for his 25 years in law enforcement.

Steve Muller:

- The Qwuloolt groundbreaking was a nice event. The project is looking good.
- The Public Works field trip to the sewer treatment plant was very impressive.
- He noted that it seems like there are a lot more people out walking around the community. The work done to make this a more walkable community has made a difference.

Donna Wright said she was glad to be back.

Jeff Seibert:

- He is very pleased with 51<sup>st</sup>.
- He was glad to hear about the federally-funded safety projects.
- It was a great summer.

Jon Nehring thanked Jeff Seibert for filling in for him at the Mayors Cup at Evergreen Speedway. Councilmember Seibert reported that he got second place, but would have gotten first place if Mayor Joe Marine had played by the rules.

Jeff Vaughan had no comments.

Council recessed at 8:30 before reconvening in Executive Session at 8:45 p.m.

### **Executive Session**

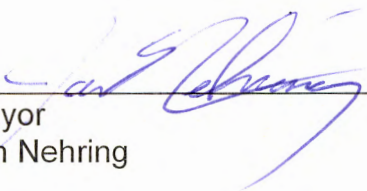
- A. Litigation- one item concerning potential litigation – RCW 42.30.110(1)(i)
- B. Personnel
- C. Real Estate

Council reconvened into regular session at 9:15 p.m.

### **Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 9:15 p.m.

Approved this 23<sup>RD</sup> day of September, 2013.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk