

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Excuse the absence of Councilmember Stevens.	Approved
Approve the agenda with one additional item.	Approved
Committee Reports	
Presentations	
Volunteer of the Month – The Mizell Family	Presented
Employee of the Month – Mike Robinson	Presented
Approval of Minutes	
Approval of the October 14, 2013 City Council Meeting Minutes.	Approved
Consent Agenda	
Approval of the October 23, 2013 Claims in the Amount of \$363,600.02; Paid by Check Number's 87821 through 87985 with No Check Numbers Voided.	Approved
Consider the Professional Services Agreement with Gray and Osborne, Inc. for the 3 rd Street Retrofit Project as Funded Under the 2013-15 Municipal Stormwater Capacity Grant Program with the Department of Ecology.	Approved
Consider Grant Agreement with the Washington State Department of Ecology for the 2013-15 Municipal Stormwater Capacity Grant Program.	Approved
Consider the Mitigation Agreement with Department of Ecology for Wetland Credits.	Approved
Consider Accepting the Lakewood Triangle Access/156 th Street Overcrossing Project, Starting the 45-Day Lien Filing Period for Project Closeout.	Approved
Consider Accepting the Sunnyside Blvd Water Main Project, Starting the 45-Day Lien Filing Period for Project Closeout.	Approved
Approval of the October 30, 2013 Claims in the Amount of \$450,313.05; Paid by Check Number's 87986 through 88134 with No Check Number's Voided.	Approved
Approval of the November 5, 2013 Payroll in the Amount \$1,474,516.76; Paid by Check Number's 27111 through 27154.	Approved
Public Hearings	
Consider an Ordinance Amending the Marysville City Code to Enact a New Chapter 12.06 Marysville Transportation Benefit District, Establishing a Transportation Benefit District, Specifying the Boundaries for the Transportation Benefit District, Specifying the Maintenance and Preservation of Existing Transportation Improvements, and Fixing a Time when the Same Shall Become Effective.	Approved Ord. No.2938
Consider the Amended Year 2013 Annual Action Plan and Direct Staff to Provide a Summary of, and Response to Any Comments Received During the Public Hearing into the Amended Annual Action Plan, and Forward to the U.S. Department of Housing and Urban Development.	Approved
Consider Program Year 2012 Consolidated Annual Performance Evaluation Report and Direct Staff to Provide a Summary of, and Response to any Comments Received During the Public Hearing into the	Approved

Report, and Forward to the U.S. Department of Housing and Urban Development.	
New Business	
Consider an Ordinance Related to Title 22 (the Uniform Development Code) of Marysville Municipal Code (MMC) and to the Adoption Maximum State Environmental Policy Act (SEPA) Flexible Categorical Exemption Thresholds as Provided in WAC 197-11-800; Amending MMC 22E.030.090 Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures.	Approved Ord. No. 2939
Consider an Ordinance relating to Compulsory Garbage Collection Service.	Approved Ord. No. 2940
Legal	
Mayor's Business	
Staff Business	
Call on Councilmembers	
Adjournment	8:10 p.m.
Executive Session	8:20 p.m.
Litigation – one item	
ACTION	Yes
Adjournment	8:30



Regular Meeting
November 12, 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. Pastor Thompson from New Life Center Marysville gave the invocation.

Roll Call

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

Mayor: Jon Nehring

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

Absent: Michael Stevens

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Planning Manager Chris Holland, Parks and Recreation Director Jim Ballew, Parks and Recreation Services Manager Tara Mizell, Park Maintenance Manager Mike Robinson, and Recording Secretary Laurie Hugdahl.

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to approve the absence of Michael Stevens. **Motion** passed unanimously (6-0).

Mayor Nehring pointed out that staff was recommending inclusion of a new item on the agenda. Director Nielsen introduced an ordinance amending the current sanitation ordinance excluding a part of Whiskey Ridge for mandatory garbage service due to the fact that it is so rural.

Motion made by Councilmember Wright, seconded by Councilmember Norton, to approve the agenda with the addition of the proposed ordinance. **Motion** passed unanimously (6-0).

Committee Reports

Councilmember Seibert reported on the Public Works Committee meeting held on November 1:

- There was a good presentation on the snow and ice plan, which hopefully will not be needed. Staff is very well prepared.
- There was also discussion about a localized flooding response.
- There will be a pilot study for wastewater membranes to see if that could be an effective alternative.
- There will also be a pilot study for Sunnyside to decide which method would be the most economical and provide the most water for serving that area.
- There were updates on the PUD acquisition, the Sunnyside Annexation, and House Bill 5099.

Councilmember Norton reported on the November 6 Hotel Motel Tax Fund Committee meeting where they reviewed twelve applications for funds. The recommendations from that committee will be presented to the Council on November 25.

Presentations

A. Employee of the Month

Parks Maintenance Manager **Mike Robinson** was awarded Employee of the Month for the month of October 2013 for his outstanding service with the City of Marysville.

B. Volunteer of the Month

Mayor Nehring awarded the **Mizell family** with the Volunteer of the Month for October 2013 for their outstanding community service through leadership and involvement with the annual holiday All City Food Drive, and volunteerism with the Marysville Food Bank and Community Toy Store that provides 1,200 families and children in need during the Thanksgiving and Christmas holidays.

Audience Participation - None

Approval of Minutes

12. Approval of the October 14, 2013 City Council Meeting Minutes.

Councilmember Muller stated that he would abstain from voting as he was absent at the October 14 meeting.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the October 14, 2013 City Council Meeting Minutes. **Motion** passed unanimously (5-0) with Councilmember Muller abstaining.

Consent

1. Approval of the October 23, 2013 Claims in the Amount of \$363,600.02; Paid by Check Number's 87821 through 87985 with No Check Numbers Voided.
6. Consider the Professional Services Agreement with Gray and Osborne, Inc. for the 3rd Street Retrofit Project as Funded Under the 2013-15 Municipal Stormwater Capacity Grant Program with the Department of Ecology.
7. Consider Grant Agreement with the Washington State Department of Ecology for the 2013-15 Municipal Stormwater Capacity Grant Program.
8. Consider the Mitigation Agreement with Department of Ecology for Wetland Credits.
9. Consider Accepting the Lakewood Triangle Access/156th Street Overcrossing Project, Starting the 45-Day Lien Filing Period for Project Closeout.
10. Consider Accepting the Sunnyside Blvd Water Main Project, Starting the 45-Day Lien Filing Period for Project Closeout.
13. Approval of the October 30, 2013 Claims in the Amount of \$450,313.05; Paid by Check Number's 87986 through 88134 with No Check Number's Voided.
14. Approval of the November 5, 2013 Payroll in the Amount \$1,474,516.76; Paid by Check Number's 27111 through 27154.

Motion made by Councilmember Muller, seconded by Councilmember Vaughan, to approve Consent Agenda items 1, 6, 7, 8, 9, 10, 13, and 14. **Motion** passed unanimously (6-0).

Review Bids

Public Hearings

3. Consider an **Ordinance** Amending the Marysville City Code to Enact a New Chapter 12.06 Marysville Transportation Benefit District, Establishing a Transportation Benefit District, Specifying the Boundaries for the Transportation Benefit District, Specifying the Maintenance and Preservation of Existing Transportation Improvements, and Fixing a Time when the Same Shall Become Effective.

City Attorney Grant Weed reviewed the proposed ordinance as well as background and legal aspects of Transportation Benefit Districts (TBD's).

Councilmember Vaughan asked for confirmation that staff is only considering the sales tax option and not the other options. City Attorney Weed confirmed that the recommendation of staff is that any funding be voter approved and be done through a proposal that the TBD would put on the ballot before the voters at one of the special elections. Councilmember Vaughan asked about the lifespan of a TBD. City Attorney Weed explained that according to state statute, TBD's sunset after 20 years or at such time all the proposed projects have been completed, whichever comes first.

Councilmember Muller commented that even though staff is only recommending that the sales tax option be considered, the \$20 tab is still part of this ordinance. City Attorney Weed explained that there are certain funding mechanisms which don't have to go before voters, but the funding mechanism recommended by staff (0.2% sales tax) would go before voters. The car tab is mentioned in this ordinance because it is within the scope of what a TBD can do under the state statute.

Councilmember Seibert commented that the Public Works Committee recommended that the City not do the \$20 car tabs or any other mechanisms that don't go before the voters. Councilmember Muller said he understood that was not the intention, but he wanted it to be clear to the public that it's still in the ordinance since it's part of state law. City Attorney Weed agreed that the reference to it is in there only because the state law allows it, but a decision on what funding is desired would be up to the TBD once it is formed. Staff will recommend that the TBD put a measure before the voters.

Director Nielsen explained that since transportation funding was taken away by voters, staff is recommending that a TBD be formed in order to fund city projects. The first thing they intend to fund is maintenance of existing infrastructure.

The public hearing was opened at 7:34 p.m.

Public Testimony:

Tony Pasqual, who lives near Haggen's, spoke against creating another level of bureaucracy and more work for staff by creating a TBD. He didn't think taxpayers would support the tax increase unless it was clearly and carefully presented.

The public hearing was closed at 7:36 p.m.

Staff Comments and Questions:

Councilmember Seibert asked if the ordinance could be narrowed to only allow the funding authority to a maximum 0.2% of the sales tax by a vote of the public.

City Attorney Grant Weed stated that the Council could define the scope of the authority of the new board they are proposing. He explained that this would significantly limit the options available to the City down the road.

Councilmember Seibert asked if forming a TBD was the only way they could get the funding for the projects. City Attorney Weed explained that according to state law it is necessary to put this authority under a separate board to be able to do the projects that are in the City's capital project.

Councilmember Seibert spoke in support of narrowing the scope in order to restrict the ability of future councilmembers to take advantage of other options available to the City as the result of a TBD.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to approve Ordinance No.2938 Amending the Marysville City Code to Enact a New Chapter 12.06 Marysville Transportation Benefit District, Establishing a Transportation Benefit District, Specifying the Boundaries for the Transportation Benefit District, Specifying the Maintenance and Preservation of Existing Transportation Improvements, and Fixing a Time when the Same Shall Become Effective **with the amendment that the scope be narrowed to only allow the funding mechanism of the 0.2% sales tax which would be voted on at a public election.**

Grant Weed clarified the proposed text changes to the ordinance.

Councilmember Muller offered a friendly amendment that they keep the tabs option, but require that it be put out to the voters. Councilmember Seibert spoke against the amendment.

Motion passed (5-1) with Councilmember Muller voting against the motion.

4. Consider the Amended Year 2013 Annual Action Plan and Direct Staff to Provide a Summary of, and Response to Any Comments Received During the Public Hearing into the Amended Annual Action Plan, and Forward to the U.S. Department of Housing and Urban Development.

Senior Planner Chris Holland explained that staff was soliciting comments on the Amended Year 2013 Annual Action Plan.

The public hearing was opened at 7:47 p.m. Seeing no public testimony, the hearing was closed at 7:48 p.m.

Motion made by Councilmember Wright, seconded by Councilmember Seibert, to approve the Amended Year 2013 Annual Action Plan and Direct Staff to Provide a Summary of, and Response to Any Comments Received During the Public Hearing into the Amended Annual Action Plan, and Forward to the U.S. Department of Housing and Urban Development. **Motion** passed unanimously (6-0).

5. Consider Program Year 2012 Consolidated Annual Performance Evaluation Report and Direct Staff to Provide a Summary of, and Response to any Comments Received During the Public Hearing into the Report, and Forward to the U.S. Department of Housing and Urban Development.

Senior Planner Chris Holland explained that staff is required to report annually to HUD regarding activities taken during the previous program year. Staff is soliciting public comments on the Program Year 2012 Consolidated Annual Performance Evaluation Report.

The public hearing was opened at 7:49 p.m. Seeing no public testimony, the hearing was closed at 7:49 p.m.

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to approve the Program Year 2012 Consolidated Annual Performance Evaluation Report and Direct Staff to Provide a Summary of, and Response to any Comments Received During the Public Hearing into the Report, and Forward to the U.S. Department of Housing and Urban Development. **Motion** passed unanimously (6-0).

New Business

11. Consider an **Ordinance** Related to Title 22 (the Uniform Development Code) of Marysville Municipal Code (MMC) and to the Adoption Maximum State Environmental Policy Act (SEPA) Flexible Categorical Exemption Thresholds as Provided in WAC 197-11-800; Amending MMC 22E.030.090 Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures.

CAO Hirashima explained that this is an ordinance to adopt new thresholds for SEPA exemptions because the state legislature has adopted new thresholds. Staff is proposing adopting the maximum thresholds adopted by the state because most of the regulations are already a part of the City's regular codes. This will add more certainty to the development process and still allow the City to appropriately condition projects.

Motion made by Councilmember Vaughan, seconded by Councilmember Wright, to approve Ordinance 2939 Related to Title 22 (the Uniform Development Code) of Marysville Municipal Code (MMC) and to the Adoption Maximum State Environmental Policy Act (SEPA) Flexible Categorical Exemption Thresholds as Provided in WAC 197-11-800; Amending MMC 22E.030.090 Categorical Exemptions, Threshold Determinations, and Enforcement of Mitigating Measures. **Motion** passed unanimously (6-0).

Motion made by Councilmember Wright, seconded by Councilmember Muller, to approve Ordinance 2940 Amending Section 7.08 of the Marysville Municipal Code, Relating to Compulsory Garbage Collection Service. **Motion** passed unanimously (6-0).

Legal

Mayor's Business

- Mayor Nehring and others attended the decant facility ribbon cutting ceremony last week. It is a nice project and was a nice ceremony.
- There was a very large ribbon cutting for Big Lots last week.
- He attended a SERS Board meeting last week. There is a new SERS System Manager named Mark McDermott.
- Welcome to the Boy Scouts in the audience. Thanks for coming.

Staff Business

Jim Ballew:

- Congratulations to the elected officials.
- Thanks for recognition of the Mizell Family and also Mike Robinson.
- Judy Kirchberg is retiring. Jane Schafer has been appointed as Administrative Secretary in Parks and Recreation.
- The skate park has been closed for a little over a week due to challenges with illicit behavior and vandalism at the park. They are utilizing volunteers to clean the park. It will be reopening tomorrow.
- Parks staff is busy getting ready for the holidays.

Chief Smith:

- Congratulations to all of the elected officials who won their seats.
- A couple weeks ago police had their access audit through WSP. The auditors said they had a very good audit despite a few extremely minor issues.
- The Foundations in Leadership series is in its third week. This has been a fun series.
- There was a robbery at Home Street Bank last week. The investigation is ongoing and police are working with the FBI on it.
- He commented on a blogging incident and explained that police's response was to notify supervisors and follow up and follow through.

Kevin Nielsen:

- 88th Street railroad crossing construction is scheduled to happen this weekend.
- Thanks to councilmembers who came to the ribbon cutting for the decant facility.
- The developers' lunch a few months back was very successful. He has several meetings scheduled with developers for the Lakewood region and the Sunnyside/Whiskey Ridge region looking for development possibilities.
- He extended condolences to the people of the Philippines. He stated that this is why we prepare an emergency management plan in order to be able to supply water and other services to the citizens of Marysville in the event of an emergency.

Jeff Seibert asked if there would be signage up this week informing people that 88th Street would be closed this weekend. Director Nielsen said there is some signage out already, but more will be added.

Chris Holland had no comments.

Sandy Langdon congratulated Council members on re-election.

Grant Weed stated the need for a ten minute Executive Session to discuss one pending litigation item with a possibility of action.

Gloria Hirashima:

- The I-502 marijuana committee has had its initial meeting. A second meeting will be held later this month. It was a very lively meeting with lots of discussion. They hope to conclude the committee's work within the next couple meetings.
- She agreed that the developers' lunch was a good meeting. They are seeing a lot of interest in new projects in Marysville covering the range from single-family to multi-family to commercial to industrial. There are a lot of apartments under construction currently.
- She congratulated councilmembers on the recent elections.

Call on Councilmembers

Kamille Norton had no comments.

Steve Muller:

- Congratulations to councilmembers who were re-elected.
- Congratulations to staff on the decant facility.
- The Big Lots ribbon cutting was impressive.

Rob Toyer had no comments.

Jeff Seibert:

- Congratulations to the councilmembers that will be returning next year.
- At the October 14 meeting when John Cowling was present, Councilmember Seibert reported on a speed limit sign that was down on 80th Street. He followed up that the sign was up the next day. Kudos to Public Works on their responsiveness.

Donna Wright stated that the decant facility was very impressive. Director Nielsen explained what the decant facility does for the benefit of the public.

Jeff Vaughan:

- He expressed appreciation for Mike Robinson and the great work he has done in the community. Councilmember Vaughan's sons have benefited by working with Mike Robinson on Eagle Scout projects and community service hours.
- He explained that there is a very well-known YouTuber who is located in Marysville who has over a million subscribers who did a tour of the new Big Lots.

The Council recessed 8:10 for five minutes after which time they reconvened at 8:20 into Executive Session to discuss one pending litigation item expected to last ten minutes with a possibility of action following the Executive Session.

Executive Session

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

Executive Session ended and public meeting reconvened at 8:30 p.m.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan to execute the Professional Services Agreement for Legal Services with Talmodge and Kitpatrick for legal services. **Motion** passed unanimously (6-0).

Motion made by Councilmember Muller, seconded by Councilmember Wright to adjourn meeting. **Motion** passed unanimously (6-0).

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:30 p.m.

Approved this 14 day of October, 2013.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk

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