

# COUNCIL



# MINUTES

**Work Session**  
December 1, 2014

## **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**

Finance Director Sandy Langdon gave the roll call. The following staff and councilmembers were in attendance.

<b>Mayor:</b>	Jon Nehring
<b>Council:</b>	Steve Muller, Kamille Norton, Jeff Seibert, Michael Stevens (arr. at 7:03 p.m.), Rob Toyer, Jeff Vaughan, and Donna Wright
<b>Absent:</b>	None
<b>Also Present:</b>	Finance Director Sandy Langdon, Commander Wendy Wade, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

## **Approval of the Agenda**

**Motion** made by Councilmember Muller, seconded by Councilmember Norton, to approve the agenda. **Motion** passed unanimously (6-0).

## **Committee Reports**

### **Presentations**

A. Marysville-Tulalip Chamber of Commerce Annual Report.

Mayor Nehring stated Board Chair Will Ibershof will give this annual report next week.

*Councilmember Stevens arrived.*

## **Discussion Items**

### **Approval of Minutes** *(Written Comment Only Accepted from Audience.)*

1. Approval of the November 10, 2014 City Council Meeting Minutes.

## **Consent**

2. Approval of the November 20, 2014 Payroll in the Amount \$867,252.51; Paid by Check Numbers 28366 through 28408.
3. Approval of the November 19, 2014 Claims in the Amount of \$1,124,917.54; Paid by Check Numbers 96028 through 96166 with No Checks Voided.
4. Approval of the November 26, 2014 Claims in the Amount of \$714,446.97; Paid by Check Numbers 96167 through 96375 with No Checks voided.

## **Review Bids**

## **Public Hearings**

## **New Business**

5. Consider the Professional Services Agreement with K2 Data Systems for the SCADA and Telemetry System Upgrade.

IT Manager Worth Norton explained that this is an upgrade to the existing SCADA system. It is also a complete architectural redesign. He explained that this will provide several advantages to the City. Director Nielsen stated that this will be a great upgrade and will give the City a robust system so changes can be made by staff out in the field.

6. Consider the Renewal Facility Use Agreement with the United States Bankruptcy Court.

City Attorney Grant Weed stated this is a standard agreement that is reviewed every year. There are no substantive changes to it.

7. Consider the Professional Services Agreement between the City of Marysville and Kennedy/Jenks Consultants in the Amount of \$59,332.

Director Nielsen explained staff is looking at ways to make the plant more efficient. The consultant will be looking at ways that they can cut costs on chemicals and save money to avoid raising rates.

8. Consider Extending the Employment Agreement with Mike Reynolds as Pro Shop Supervisor for Cedarcrest Golf Course.

Parks and Recreation Director Jim Ballew stated this is an extension through February with Mike Reynolds until the RFP process is complete.

9. Consider the Professional Services Supplement No. 7 with BergerABAM, Extending the Agreement End Date to January 30, 2015.

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

10. Consider the Renewal of the Yakima County Jail Agreement.

Commander Wade stated this is basically the same contract. There is no change in the rates.

11. Consider the 2014 Pavement Preservation Program with CEMEX Construction Materials Pacific LLC, Starting the 45-Day Lien Filing Period for Project Closeout.

Director Nielsen stated they are starting the 45 day lien period.

12. Consider the Professional Services Agreement Strategies 360, Inc. for Consulting Services.

Mayor Nehring reviewed this item.

Councilmember Muller asked if anything was changed regarding Public Records Requests. City Attorney Weed replied that area it is not within the scope of work for this new agreement. Mayor Nehring explained that there is a lot of work through AWC on this issue which tends to be more productive than the City lobbying individually. Councilmember Muller asked if there should be something in the agreement to protect the City in light of the recent situation with Snohomish County. City Attorney Weed stated he is hoping to get clarity on the case that is pending in the State Court of Appeals regarding the obligations of cities concerning public records requests that involve records that a consultant holds and maintains.

13. Consider an **Ordinance** of the City of Marysville, Washington Relating to the City's Comprehensive Plan; Amending the Comprehensive Plan by the Adoption of the Marysville, Lake Stevens and Lakewood School Districts' 2014 – 2019 Capital Facilities Plans as a Subelement of the City's Comprehensive Plan and Establishing the Adoption of Said Plan and the Collection and Imposition of School Impact Fees, Pursuant to the City's Annual Comprehensive Plan Amendment and Update Process and Repealing Ordinance No. 2912.

Planning Manager Chris Holland stated that in order for the City to collect school impact fees for each one of the districts they are required biannually to adopt a Capital Facilities Plan that goes through a rate analysis based on capacity. The Planning Commission has reviewed the Capital Facilities Plans for Lake Stevens, Marysville, and Lakewood. The actual fees for Marysville School District are proposed to drop a little for single family and quite significantly for multi-family rate. Lake Stevens' fee rate is

proposed to drop as well. There is an increase in Lakewood for single family and multifamily based on what is going on up there right now. Staff is recommending approval of the Ordinance as recommended by the Planning Commission.

Councilmember Muller asked if the recent bond passage in Lakewood had an effect on the fee. Planning Manager Holland stated that he wasn't involved in the Planning Commission meetings, but indicated he would check.

14. Consider the MRSC Rosters Model Small Public Works, Consultant, and Vendor Rosters **Resolution**.

Finance Director Langdon stated that this is updating language to the RCW and adding vendor rosters to the MRSC rosters service that they provide.

15. Consider an **Ordinance** of the City of Marysville Amending the 2014 Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 2941 and Changes in Compensation Levels.

Finance Director Langdon reviewed the budget amendments for the 2014 Budget as outlined in Council's packet on pages 15-1 and 15-2.

Councilmember Toyer asked if police vehicles aren't covered under insurance. Finance Director Langdon stated they are. There will be revenue coming in to replace that.

16. Consider an **Ordinance** authorizing the City of Marysville to Continue to Impose a Sales and Use Tax as Authorized by RCW 82.14.415 as a Credit against State Sales and Use Tax; Certifying the Costs to Provide Municipal Services to the Central Marysville Annexation Area; and Setting a New Threshold Amount for Fiscal Year 2015 Relating to Annexations.

Finance Director Langdon stated this is the annexation sales tax credit for 2015. Staff is estimating we are at a 3.2% shortfall for the revenue covering the expenses for the annexation costs. In order to continue annexation sales tax credit the Ordinance needs to be reauthorized every year. In 2020 this will start reducing.

17. Consider an **Ordinance** of the City of Marysville, Washington Related to Caretaker's Quarters by Amending Marysville Municipal Code (MMC) Sections 22A.020.040 "C" Definitions; 22C.110.020 Permitted Temporary Uses; 22C.110.030 Exempted Temporary Uses; 22C.020.070 Permitted Uses – Development Conditions; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

Planning Director Holland reviewed this item. Staff proposed some changes to the code that would clearly outline that a caretaker's quarters needs to be incidental to the primary business. Staff proposed that the Planning Commission introduce a new definition for caretaker's quarters, require that any applicant for a caretaker's quarters

would need to get a temporary use permit, and add some development parameters. Planning Commission met regarding this on three occasions and held a public hearing and a continued public hearing. Following this they recommended allowing recreational vehicles in the General Industrial and Light Industrial zones for caretaker's quarters. Staff is not in support of this as reflected in the minutes. He summarized that this would cause a lot of onsite issues such as aesthetics, outdoor storage of personal items and garbage, not connecting to public water and sewer, etc. He explained that RVs are not allowed in the City except in an RV park or as a two-week guest at a residential. Staff is recommending that the Council amend the Ordinance recommended by the Planning Commission and not allow RVs to be utilized for caretaker's quarters within the General Industrial and Light Industrial zones.

Councilmember Muller asked how prevalent it is right now to even have a caretaker or to have an RV. Planning Manager Holland replied that there might be half dozen sites in the city where they're operating illegally. This is not something that is actively enforced, but the intent of staff is to make sure we're not allowing folks to move into our existing industrial and commercial establishments to utilize the entire facility as a caretaker's quarters.

Councilmember Vaughan asked if this would apply to undeveloped land that is zoned commercial as well. Planning Manager Holland replied that it would. Councilmember Vaughan said that he was aware of some properties in the City where there are multiple RVs that are basically camping on undeveloped land. Planning Manager Holland commented that the camping code can be enforced in those situations. Councilmember Vaughan asked if the camping code would apply to other areas. Planning Manager Holland replied that all areas of the city are covered by the camping code. He added that camping is not even allowed at Wal-Mart although Wal-Mart allows it.

## **Legal**

### **Mayor's Business**

- Merrysville for the Holidays will take place this Saturday.
- Leah sent out the dates for the National League of Cities. Councilmember should let her know by Friday if they plan to attend.
- Marysville-Pilchuck High School football team went all the way to the final four. It was extremely impressive to watch the game and see the great turnout in support of the team.

### **Staff Business**

Jim Ballew:

- He agreed it was a great football game to watch.
- The parade will be held on Saturday at 6:30. There are 34 entries including high school bands. There will also be the tower lighting and a concert.

- The community center is closed right now because of the utility backup. Staff is working diligently to get this resolved. Staff at the community center has moved to the annex at 156<sup>th</sup> which is working out beautifully. It looks like the community center will be closed at least 30 days. He applauded staff for relocating the entire operation within 24 hours.
- Tour of Lights will start next week.
- The youth basketball program starts this week.
- Doug Buell will be starting as a Recreation Coordinator tomorrow.

Kevin Nielsen:

- Staff is putting down anti-icer at intersections.
- TIB gave the City grant money for Grove between State and Cedar for sidewalk improvements over the track. It looks like we will also get money for 116th for Safe Sidewalks to School in front of Marshall. TBD sidewalk money is being used to leverage getting the grant money with TIB.

Wendy Wade announced that Jim Maples will be back tomorrow on light duty.

Grant Weed stated that last week, item 5 on the agenda was the approval of a three-month extension of the franchise agreement with Wave Broadband. The consultant reviewed the term of the extension which is intended to be just three months and discovered a glitch in the dates. The extension Council approved was approved to commence December 5 through March 4, but the beginning of that three-month period needs to be December 4 so there is no gap in it. Due to the time constraints, he asked Council to waive their normal rules and authorize the Mayor to sign a revised amendment that commences December 4 instead of December 5 and ends March 3.

Sandy Langdon pointed out that the version in the packet last week had the revised dates and Council had actually authorized the proper version. City Attorney commented that he didn't have the revised version and Wave had signed the previous version. He explained that Wave would just need to resign the revised version.

Grant Weed stated the need for Executive Session for five minutes to discuss one real estate acquisition item with no action expected.

Chris Holland stated that a property owner has inquired about some potentially dangerous trees along 80<sup>th</sup>. The property owner there has contacted the City today and said they had an arborist report from PUD about the trees. He also offered to dedicate the property to the City if they wanted to maintain or remove trees. Public Works seems supportive of the acquisition. Staff hopes to have resolution by the end of the week.

Worth Norton had no further comments.

Finance Director Langdon stated that the TBD Budget needs to be amended. She recommended they hold a special meeting of the TBD next Monday in order to do that. There was consensus to have a 6:59 meeting and recess for the Council meeting.

## Call on Councilmembers

Councilmember Toyer had no comments.

Councilmember Stevens had no comments.

Councilmember Muller had no comments.

Councilmember Norton had no comments.

Councilmember Wright stated she won't be here for the next meeting.

Councilmember Seibert asked if there would be a Public Works Committee meeting held this month. Director Nielsen stated there would be no meeting in December.

Councilmember Vaughan had no comments.

## Adjournment

Council recessed at 7:45 p.m. for five minutes after which time they reconvened into Executive Session for five minutes to discuss one real estate acquisition item with no action expected.

## Executive Session

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

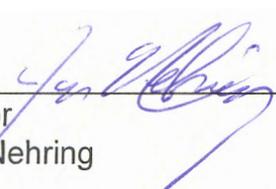
Executive Session extended three minutes until 7:58 p.m.

Executive Session ended and public meeting reconvened at 7:59 p.m.

## Adjournment

**Motion** made by Councilmember Muller, seconded by Councilmember Norton to adjourn meeting at 7:59 p.m.

Approved this 12 day of January, 2015.

  
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Mayor  
Jon Nehring

  
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Deputy City Clerk  
April O'Brien