

# COUNCIL



# MINUTES

## **Work Session** *January 4, 2016*

### **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 Jon Walker, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Community Development Director Dave Koenig, Fire Chief Martin McFalls and Recording Secretary Laurie Hugdahl.

**Motion** made by Councilmember Muller, seconded by Councilmember Norton to approve the agenda. **Motion** passed unanimously (7-0).

### **Committee Reports**

None

### **Presentations**

A. Council and Mayor Swearing-In

Kamille Norton, Steven Muller, and Rob Toyer were sworn in as council members. Jon Nehring was sworn in as Mayor.

Council recessed from 7:06 p.m. until 7:19 p.m. for refreshments.

## **Discussion Items**

### **1. November 3, 2015 Election Advisory Measure – Placing Ban on Fireworks**

City Attorney Walker reviewed the memo distributed to Council, options available to Council, and a draft ordinance for their consideration.

Councilmember Wright asked Fire Chief McFalls if there were any fires over holidays related to fireworks. There were none. Councilmember Wright pointed out that most of the comments she had heard were related to fireworks that are already illegal.

Councilmember Muller asked the possibility of a limited ban. City Attorney Walker explained that was a possibility but it creates some challenges for enforcement in the field. Chief Smith added that the police have been dealing with this issue for years. He explained that limited bans would make it very difficult for the police to continue to do their job. An outright ban on fireworks would make enforcement efforts easier.

Councilmember Vaughan asked how a ban would affect resources on the 4<sup>th</sup> of July. Chief Smith thought it would be the same level of enforcement for the first three years. Education will be very important in the beginning. He thinks they will see compliance in the long term, but not in the short term. Councilmember Vaughan asked if Chief Smith expected more calls once a ban is in place since community expectations would be different. Chief Smith said he didn't anticipate more calls. Councilmember Vaughan asked if an increased call volume would impact the police. Chief Smith indicated it would, and that they would need to prioritize the calls because they would not be able to get to them all. He noted that this year they prioritized the calls by focusing on the parks, which ended up being pretty effective. He thinks this is a good approach which addresses the majority of the concerns.

Mayor Nehring discussed the education efforts that police have been doing. He noted that a clear line on a ban would make enforcement easier.

Councilmember Wright referred to 9.2A and asked about the blank line. City Attorney Walker noted that this would be a policy decision by Council about what they want the fine to look like. There are four classes of crime to choose from, and this would determine the fine. He recommended going with one of the classes set out by state law.

Councilmember Muller asked about time limits for escalating fines. City Attorney Walker explained that this would be over a lifetime. Councilmember Muller asked if they are cross-jurisdictional. City Attorney Walker stated that would only be the case if the code was written that way. He doesn't recommend doing that.

Councilmember Stevens asked how Chief Smith came up with the three-year estimate for increased enforcement and education he had referred to. Chief Smith stated it is

based on general discussion he has had with other chiefs. Councilmember Vaughan concurred based on his discussions with other jurisdictions.

Councilmember Muller asked how this realistically will be any different since fireworks probably are not going to go away. Chief Smith stated that if they don't do anything it will continue to be like it is now, and they will continue to have citizens who complain about it. If there is a ban he believes that the majority of citizens will comply even though there will still be some issues. There is always a consideration for safety that they will have to deal with. A ban would limit the public safety issues for citizens. Councilmember Muller noted there is already a ban on fireworks before and after the 4<sup>th</sup> of July, but it hasn't stopped those. Chief Smith replied that police have generally cited or given written warning for everything outside of the allowable time if they have been able to catch them. Catching offenders in the act is difficult. The possession component will help. He emphasized that law enforcement would use discretion regarding enforcement. Mayor Nehring commented that part of this is just sending a message to the community that this is not legal anymore.

Councilmember Wright observed that there are civic groups who depend on funds from fireworks stands, but there haven't been any comments from them. Councilmember Vaughan noted that he has heard that they have had diminishing profits from those stands anyway. He doesn't anticipate that this will be a big issue.

Mayor Nehring asked about Council's desire for next steps. City Attorney Walker suggested Council give staff an idea of the direction they would like to go and staff could come back with options. Councilmember Muller said he was in favor of a progressive fine component in the ordinance based on how many violations a person has.

Councilmember Seibert suggested for the first three years it could be a lower class/fine, and then after three years it could go up to a higher fine.

Councilmember Wright asked if input from the courts would be helpful to decide on fines. City Attorney Walker did not think that was appropriate.

Councilmember Muller asked how minors would be affected. He asked if parents would be held accountable. City Attorney Walker did not think so, but indicated he would look into it further.

Councilmember Stevens said he would be comfortable with Councilmember Seibert's recommendation, but stated that he is sad that they have to deal with this issue at all. On the other hand he spoke to the importance of supporting law enforcement in their efforts by supporting an all out ban. He recommended modifying the ordinance to reflect a three-year tiered infraction schedule.

Councilmember Seibert concurred with Councilmember Stevens.

Councilmember Muller thought that they should be more lenient the first year. He suggested a four-year tiered implementation to allow for leniency and education the first year.

Councilmember Toyer asked what is being done now. City Attorney Walker stated that violating the current code is a misdemeanor. There is also a civil infraction involving possession or discharge of small quantities of fireworks unless it's made a crime by the RCW. He acknowledged that it is currently confusing. Chief Smith added that there were issues a few years ago with officers who did not really want to write citations. With the civil infraction officers had the ability to write citations for a lesser amount which was better accepted. Using the state's class system, the fine would be a set amount, and the court would be able to modify it if desired. Chief Smith recommended starting at Class 3 the first year, moving to Class 2 the second year, and then Class 1 the third year.

Councilmember Seibert asked about repeat offenders within the same year. Chief Smith wasn't sure if police would have access to that information out in the field. He thought that repeat offenders within the same year would be more likely than repeat offenders year after year. There was discussion about keeping the class level the same for each year regardless of the number of offenses.

Mayor Nehring asked for other Councilmembers' opinions.

Councilmember Vaughan said he still has some concerns, but is in favor of bringing this forward. He said he is willing to look at a draft ordinance and continue to discuss it. He thinks there is still work that needs to be done.

Mayor Nehring said it appeared there were four councilmembers proposing to bring forward a draft from legal counsel regarding a tiered system and an outright ban for further discussion as soon as possible. There was consensus to have City Attorney Walker draft it with a Class 3, 2, 1 sequence.

Councilmember Muller asked what some of the other issues are that need to be discussed. There was consensus to bring a draft forward on the next agenda as a working document.

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

2. Approval of the December 7, 2015 Marysville City Council Work Session Meeting Minutes

**Consent**

3. Consider Approval of the December 16, 2015 Claims in the Amount of \$1,046,789.58; Paid by Check Numbers 104640 through 104820 with Check Number 104229 voided

4. Consider Approval of the December 23, 2015 Claims in the Amount of \$497,652.16; Paid by EFT Transactions and Check Numbers 104821 through 105014 with Check Number 103104 and 103230 Voided
5. Consider Approval of the December 18, 2015 Payroll in the Amount of \$1,206,840.34; Paid by EFT Transactions and Check Numbers 29582 through 29613 with Check Number 29485 Voided and Reissued with Check Number 29581

### **Review Bids**

6. Consider Awarding the Reject Line Extension Project to SRV Construction in the Amount of \$ 122,799.84 including Washington State Sales Tax and Approve a Management Reserve of \$0 for a Total Allocation of \$122,799.84

Director Nielsen reviewed this item. He explained that this would result in electrical cost savings and would increase capacity.

### **Public Hearings**

#### **New Business**

7. Consider the Historical Society Financial Request

Mayor Nehring said he received a letter from Ken Cage in the mail which was distributed to Council. Councilmember Muller recused himself from the discussion. Mayor Nehring explained that there is a shared parking lot agreement and the ability to use classrooms. CAO Hirashima commented that if Council is interested in pursuing a programming agreement the City could arrange for a 250 hour per year agreement. The overflow parking space could also be valuable for events at Jennings Park.

Councilmember Norton asked if the City typically has a need for extra meeting space. Director Ballew said that the need for meeting space has increased and this could be a benefit to the City. He thinks this is a good approach. He suggested that more hours in the future might be desirable. CAO Hirashima commented that the City used to have the library as a meeting space, but this is no longer available.

Councilmember Toyer asked what would happen after three years. CAO Hirashima noted that there may be other buildings available in three years. The City is looking at bringing on other facilities in the future. The best value for the City could be discussed after three years.

Councilmember Wright commented that the Historical Society was involved with the centennial celebration in 1991. She noted that they would probably be important for the 125 year celebration.

Councilmember Vaughan asked about the Rotary Club's use of the facility. Mayor Nehring explained that they are paying \$200,000 per year with an ability to use the space for their regular meetings. Councilmember Vaughan expressed concern about creating an expectation that the City will continue this arrangement in the future. Mayor Nehring commented that it would be up to the Council if they wanted to renew an agreement. He explained that the Rotary sees this as a benefit to the City as a whole. They also see a value of having a place to hold their regular meetings. Councilmember Vaughan said if the City is going to give the Historical Society money, he wants it to be very clearly defined what the City gets.

Councilmember Seibert commented that having the value placed on the space usage makes this agreement more acceptable to him.

Councilmember Stevens said he appreciates the fact that the Historical Society is saying the City can use the space at no charge, but he is more comfortable with an agreement with a quantifiable number of hours so that it is not just a donation to a private interest group.

Director Ballew noted that the Historical Society's relationship to the park has been important for many years. This might be a good opportunity to clarify issues for both parties.

There was consensus to have staff bring back a draft to the next meeting cycle.

8. Consider the 2015 Transportation Benefit District Annual Report

Director Nielsen noted that this is a placeholder. This item may be moved if the information is not ready.

9. Consider the 2016 Transportation Benefit District Projects

Director Nielsen explained that \$1.8 million of overlays are planned for 2016. \$200,000 will be used to pay back funds used for paving in 2014. \$550,000 will be spent on sidewalk projects. \$750,000 in addition to that is grant money. He reviewed plans for the remainder of the funds as contained in the packet under item 9.

Councilmember Toyer asked about 88<sup>th</sup> Street in front of the cemetery. Directory Nielsen said staff is looking at options. City Attorney Walker added that the City had a meeting with a lot of the stakeholders from the state. It will be quite a complicated process.

Councilmember Muller asked about 3<sup>rd</sup> Street. Director Nielsen said that will be coming up under another agenda item as a grant item.

10. Consider Approval of the Final Plat of Harvest Heights

Community Development Director Koenig explained that this is ready to be finalized as a plat. The applicant has met all plat conditions and bonded for the final wetland mitigation. Due to the weather that will be done later. Otherwise the project is completed and ready to go.

11. Consider the Supplemental Agreement Number 3 to the HDR Engineering, Inc. for a No-Cost Time Extension

Director Nielsen explained that staff is finishing up NEPA and environmental opportunities as it relates to the 529 project.

12. Consider the Professional Services Agreement between City of Marysville and Strategies 360 for Consultant Services

CAO Hirashima explained that this is an update of the Professional Services Agreement with Strategies 360 for lobbying services.

13. Consider the Grant Agreement with the Department of Ecology for LID Improvements for 1st and 3rd Street Allowing the City to be funded \$1,585,500

Director Nielsen explained that the City was awarded \$1.5 million in grant money for 1st and 3<sup>rd</sup> with a 25% matching grant requirement.

14. Professional Services Agreement with Summit Law

CAO Hirashima explained this is the annual update of a contract with Summit Law who helps with employee contract negotiations and personnel issues.

## **Legal**

### **Mayor's Business**

Mayor Nehring had the following comments:

- Thanks to everyone for their hard work in 2015. He is looking forward to working together in 2016.
- Thanks to everyone for their help with the Tour of Lights.
- Council Committees and President will be on the agenda for the next meeting.

### **Staff Business**

Dave Koenig announced that there is a survey on the website regarding the State Avenue Subarea Plan. Over 80 people have commented in the first week. Staff will also be doing an outreach to property owners along State Avenue.

Sandy Langdon wished everyone a Happy New Year. She is looking forward to 2016.

Chief McFalls wished everyone a Happy New Year. He is looking forward to a productive, cooperative new year.

Chief Smith commented that it's good to be back and see everybody. He wished everyone a Happy New Year.

Jim Ballew:

- Tour of Lights was very successful. They broke records even with all the rain, and were sold out every single night.
- The City took keys to the Opera House today and is working with the owner on improvements which should be completed by the end of January.
- Staff met with architects regarding the Trail Master Plan and Draft Park Plan. They are preparing to give a presentation to the Council on March 7. Staff is very excited about the proposal and the relationship they have with the firm.

Kevin Nielsen:

- There will be a Public Works Committee meeting this Friday
- John Cowling is now the City Engineer for Mountlake Terrace.
- Sanders put out de-icing material up north yesterday. More snow is forecasted.
- Staff is working on annual plans.

John Walker had no comments.

Gloria Hirashima:

- Congratulations to the Mayor and Council.
- The City will be retitling the Parks and Recreation Department to the Parks, Culture and Recreation Department. This is an exciting time for the City.
- The State of the City will be one of the first events to be held at the Opera House.
- The City sent over the Council's draft of the Interlocal Agreement with the Fire District, but it has not been approved yet.

### **Call on Councilmembers**

Jeff Seibert:

- He asked Director Nielsen if sidewalk plans on 3<sup>rd</sup> are taking into consideration future plans for 47<sup>th</sup> between 3<sup>rd</sup> and 4<sup>th</sup>. Director Nielsen replied that they will. He added that they have also been working on 88<sup>th</sup> and 36<sup>th</sup>.
- He asked about a foul odor he noticed at the Tour of Lights. Director Ballew replied there is something in the storm system that needs to be removed.

Donna Wright commented that it's good to be back, and she is looking forward to the upcoming year.



Kamille Norton:

- She loves the 35 mph speed limit on Ingraham Blvd.
- She asked about the progress on the Opera House. Director Ballew replied that the owner will be doing the construction, painting, and carpeting.

Steve Muller:

- He was impressed how many people came out to the Tour of Lights in the rain. He had a great time. Director Ballew commented that the new fixtures were really a tourism draw.

Michael Stevens:

- He asked if the Opera House construction improvements will cause downtime. Director Ballew indicated that the City wasn't expecting it would be done until the end of January anyway. The City is booking events for February.
- He wished everyone a Happy New Year.

Rob Toyer wished everyone a Happy New Year.

Jeff Vaughan wished everyone a Happy New Year.

### Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:00 p.m.

Approved this 5 day of FEBRUARY, 2016.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk