

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
Excuse Councilmember Vaughan	Approved
<b>Approval of the Agenda</b>	Approved
<b>Committee Reports</b>	
<b>Audience Participation</b>	
<b>Discussion Items</b>	
City Council Committee Assignments	Discussed/Approved
Election of Council President	Discussed/Approved
<b>Approval of Minutes</b>	
Approval of the December 7, 2015 Marysville City Council Work Session Meeting Minutes	Approved
<b>Consent Agenda</b>	
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	Approved
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	Approved
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	Approved
Consider Approval of the Final Plat of Harvest Heights	Approved
Consider Approval of the Supplemental Agreement Number 3 to the HDR Engineering, Inc. for a No-Cost Time Extension	Approved
Consider Approval of the Professional Services Agreement between City of Marysville and Strategies 360 for Consultant Services	Approved
Consider Approval of the Professional Services Agreement between City of Marysville and Summit Law Group	Approved
<b>Review Bids</b>	
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	Approved
<b>New Business</b>	
Consider an <b>Ordinance</b> Amending Chapter 9.20 of the Municipal Code, Regulating Fireworks, Prohibiting Possession and Use of Fireworks, and Providing a Process for Licensing Public Displays of Fireworks	Continued
Consider the 2016 Transportation Benefit District Projects	Approved
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	Approved
Consider the Rescission of Approval of Amendment to Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities	Approved
Consider a <b>Resolution</b> Adopting a Policy for the Investment of City Funds	Approved

	Res. No. 2386
<b>Mayor's Business</b>	
Consider the appointments to the Community and Housing Development Citizen Advisory Committee	Approved
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	8:30 p.m.
<b>Reconvenement</b>	8:30 p.m.
<b>Executive Session</b>	8:35 p.m.
Real Estate – One item	
<b>Adjournment</b>	8:35 p.m.

# COUNCIL



# MINUTES

## **Regular Meeting** *January 11, 2016*

### **Call to Order / Pledge of Allegiance**

Mayor Nehring called the meeting to order at 7:00 p.m. Kinder Smoots of EWDM gave the invocation, and Mayor Nehring 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, and Donna Wright

**Absent:** Jeff Vaughan

**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, Fire Chief McFalls, Community Development Director Dave Koenig, and Recording Secretary Laurie Hugdahl.

Mayor Nehring noted that Councilmember Vaughan was out of town for work and had requested an excused absence.

**Motion** made by Councilmember Seibert, seconded by Councilmember Norton, to excuse the absence of Councilmember Vaughan. **Motion** passed unanimously (6-0).

### **Approval of the Agenda**

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

## Committee Reports

Jeff Seibert reported on the January 8 Public Works Committee meeting where the following items were discussed:

- A project to get more commercial recycle and how that might be a benefit to customers.
- 2016 TBD projects
- 2017 TBD projects
- 529 Interchange progress update
- A consultant provided the committee with options for getting over the railroad tracks at Grove Street.
- Public Works Director Nielsen reviewed alternatives to some of the traffic issues with the 88<sup>th</sup> Street interchange via an 88<sup>th</sup> to Cedar option.

## Audience Participation

Brandon Hart, 9015 - 44<sup>th</sup> Drive NE, Marysville, WA 98270, Youth Pastor, Mountain View Assembly of God Church, expressed concern about the ordinance concerning a ban on fireworks because the fireworks stand has been the youth group's number one fundraiser. It has allowed students to go to summer camps and go on mission trips to help people. Banning fireworks would have a tremendous impact on the youth group.

Larry Wewel, 1001 E Marine Drive, Everett, WA 98201, spoke on behalf of Academic Link Outreach regarding legislature for education. He urged the Council to adopt the Resolution being introduced by Senator Hobbs of Lake Stevens in support of Education to effectively intervene at the middle school level to address dropout rate in a significant way.

Terry Keys, 5523 88<sup>th</sup> Street NE, expressed concern about truck noise on 88<sup>th</sup> Street NE since July of 2013. He recommended better signage and truck routes. Also, he expressed concern about the raised reflector noise after the intersection was improved. This has interfered with his sleep. He reviewed communications he has had with staff. He also expressed concern about the distance from the existing structure to roadside of white line. He expressed concern about lack of response from the City.

Mayor Nehring clarified that staff has been working with Mr. Keys on a number of issues for the last few years. He discussed actions taken by Director Nielsen, the Public Works Department and the Police Department in regards to this and noted he was not sure what else could be done.

Danny Richards, 4618 North 29<sup>th</sup>, Tacoma WA 98407, spoke regarding the proposed ban on fireworks. He works with numerous non-profit organizations throughout Western Washington including Mountain View Church, Marysville Kiwanis, and other groups. Fireworks have been a great fundraiser for many years, and they would like to continue that here in Marysville.

Karen Gower, 910 North G Street, Tacoma, WA 98403, said she works with clubs and organizations that sell fireworks and also with the state Fire Marshal's office. She expressed concern that the voter's pamphlet did not have the rebuttal of the ordinance. She noted that illegal fireworks are already illegal. She does not believe a ban on all fireworks would make a difference. She noted that there are only two days a year when fireworks are legal right now. She recommended testing enforcement by writing citations on days when fireworks are already illegal. She suggested working with operators of fireworks stands to keep the money in the stands. She noted that having the stands provides more control for the city of what kind of fireworks are in the city.

John Morante, Pacific Ridge Homes, 17921 Bothell Everett Highway, Suite 100, Bothell, WA, thanked staff for working on their project and for getting them on the agenda tonight. They are looking forward to selling homes in Marysville.

## **Discussion Items**

### 15. City Council Committee Assignments

Two corrections were noted:

- Mayor Nehring noted that Councilmember Stevens should be listed as the primary representative for Snohomish County Tomorrow.
- Donna Wright commented that she is currently the delegate for the Growth Management Policy Board, but she put her name in to be first alternate. After the elections the list may need to be updated.

Councilmember Stevens noted he has a conflict with the Snohomish County Tomorrow, Alt. 2 position. Mayor Nehring solicited a volunteer to attend the February meeting since he and Councilmember Stevens both have conflicts. Kamille Norton indicated she might be able to do that pending confirmation of her schedule. Mayor Nehring noted she would be listed as the first alternate.

CAO Hirashima commented that Councilmember Toyer is unable to attend the CDBG Committee this year. Kamille Norton indicated she might be able to do that pending confirmation of her schedule.

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to approve the listing of Boards and Commissions as discussed with the addition of Kamille Norton to Snohomish County Tomorrow and CDBG. **Motion** passed unanimously (6-0).

### 16. Election of Council President

Councilmember Seibert nominated Kamille Norton. The motion was seconded by Councilmember Toyer.

Councilmember Norton nominated Jeff Vaughan. The motion was seconded by Councilmember Stevens.

Councilmember Seibert spoke in support of limiting the terms of service for Council President to two two-year terms in order to open the position up to others. He spoke against breaking that tradition. He recommended putting a term limit in Council rules so this question doesn't keep coming up.

Councilmember Wright noted that prior to the last 15 years there were people who served 8 or 10 years in a row so it is not necessarily a long-standing tradition.

Upon a show of hands, Kamille Norton received 5 votes and Jeff Vaughan received 1 vote. Councilmember Norton was elected as Council President.

Mayor Nehring expressed appreciation for Jeff Vaughan's four great years of service.

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

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

Councilmember Stevens stated he would be abstaining from the vote as he was absent at the December 7 meeting.

**Motion** made by Councilmember Muller, seconded by Councilmember Norton, to approve the December 7 Work Session Minutes. **Motion** passed unanimously (5-0) with Councilmember Stevens abstaining.

**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
10. Consider Approval of the Final Plat of Harvest Heights
11. Consider Approval of the Supplemental Agreement Number 3 to the HDR Engineering, Inc. for a No-Cost Time Extension

12. Consider Approval of the Professional Services Agreement between City of Marysville and Strategies 360 for Consultant Services
14. Consider Approval of the Professional Services Agreement between City of Marysville and Summit Law Group

**Motion** made by Councilmember Wright, seconded by Councilmember Toyer, to approve Consent Agenda items 3, 4, 5, 10, 11, 12, and 14. **Motion** passed unanimously (6-0).

### **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

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to authorize the Mayor to execute 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. **Motion** passed unanimously (6-0).

### **Public Hearings**

### **New Business**

1. Consider an **Ordinance** Amending Chapter 9.20 of the Municipal Code, Regulating Fireworks, Prohibiting Possession and Use of Fireworks, and Providing a Process for Licensing Public Displays of Fireworks

Councilmember Muller said he had computer issues and didn't have time to fully review the ordinance. He commented that Councilmember Vaughan also had comments, but wasn't present tonight. He thought this was going to be addressed at the 4<sup>th</sup> meeting. There was consensus to hold this item until the 4<sup>th</sup> week meeting to allow more time to review it.

Kamille Norton expressed concerns about the ban. She thinks it is unfortunate that the majority of fireworks users will be punished for the actions of the few. She thinks it is sadly ironic that something that brings people together will be taken away from people because of un-neighborly actions of others. She is not convinced that a full ban will be effective. She thinks most of the citizens' complaints have to do with fireworks that are already illegal. She is not sure how a ban will change those illegal activities that are already happening. She expressed concern that more citizens will head over to Boom City to buy illegal fireworks and then just bring them back here. She is not comfortable with going after the fireworks rather than the offender. She stated she could be convinced to consider a partial ban. She thinks there is a middle ground to be found on

this issue. She spoke in support of representing all the citizens in Marysville on this matter.

Councilmember Seibert asked City Attorney Walker how a citizen would know what the fine would be for the different level of classes. City Attorney Walker indicated that could be added to the ordinance, but it would need to be regularly updated to be current. Chief Smith commented that police would be willing to work with whatever the Council decides.

Councilmember Muller asked if a ban on the possession of fireworks could take effect earlier than one year. City Attorney Walker stated that they could not because that would be more restrictive than the state fireworks laws.

Councilmember Stevens asked how enforcement currently takes place before and after the allotted times. Chief Smith stated that police regularly enforce before and after the 4<sup>th</sup> of July and New Year's Eve. Both citations and warnings have increased in the past few years. They focus on the areas and neighborhoods where they have had trouble in the past. He noted that the police have limited resources because fireworks are shot off all over the city. Sometimes the echoes in the city cause confusion too.

There was consensus to put this on the agenda in two weeks.

9. Consider the 2016 Transportation Benefit District Projects

**Motion** made by Councilmember Toyer, seconded by Councilmember Seibert, to approve the 2016 Transportation Benefit District Projects. **Motion** passed unanimously (6-0).

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

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to authorize the Mayor to sign 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. **Motion** passed unanimously (6-0).

18. Consider the Rescission of Approval of Amendment to Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities

City Attorney Walker explained staff is recommending that Council rescind the approval of the Amendment to the Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities.

**Motion** made by Councilmember Seibert, seconded by Councilmember Muller, to rescind previous approval of Amendment to Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities



Councilmember Stevens asked about the status of the current agreement. City Attorney Walker explained that in effect nothing has changed because the City was the only one who had approved an amendment. Chief McFalls extended an apology due to his misunderstanding of what he believed the Fire Board had approved or was going to approve.

Councilmember Muller asked about having a joint meeting in March as previously discussed. CAO Hirashima indicated she would follow up on that.

**Motion** passed unanimously (6-0).

## **Legal**

### **Mayor's Business**

17. Consider the appointments to the Community and Housing Development Citizen Advisory Committee

Community Development Director Dave Koenig explained that the change would be that Kamille Norton would be added to the other Council position.

Kamille Norton noted that Steve Lebo's name should be removed since he has moved.

**Motion** made by Councilmember Toyer, seconded by Councilmember Muller, to approve the appointments as listed with the removal of Steve Lebo and the addition of Kamille Norton. **Motion** passed unanimously (6-0).

### **Other Mayor's Business:**

- Government Affairs Committee will be meeting Wednesday at 8 a.m. in Council Chambers.
- Mayor Nehring has a Coffee Klatch at 4 p.m. at the Ken Baxter Community Center. Everybody is welcome.

### **Staff Business**

Chief Smith:

- The Maryville Area Crisis Support Services has incorporated. This will help the chaplaincy program with recovery efforts going on as well as the community and first responders.
- Crime is down 22% without theft. Overall crime is down 9% even though theft jumped up 20%. Burglaries are down 27% which equates to 129 burglaries in the city. Assaults are down by 92. Theft is up from 2013, but down from 2014. Auto theft is down by 57. Vehicle prowls are down from 376 to 218. In the SODA area crime is down 25.6% even including theft. He is happy with these changes, but not satisfied yet with the numbers. Police will continue to work to make things

even better. He is very proud of the work the police have done. Mayor Nehring also commended the police.

Sandy Langdon had no comments.

Jon Walker stated the need for an Executive Session to discuss one item regarding acquisition of real estate for five minutes with no action expected.

Kevin Nielsen announced that the work on the expansion joints on I-5 will be starting at nights.

Jim Ballew:

- Congratulations to Kamille Norton.
- Paper Tigers will be shown on January 26.
- Parks, Culture and Recreation Staff have been working very hard on the new Opera House project. It has been received very well by the community so far.

Chief McFalls:

- He is also looking forward to the area crisis support services.
- The Fire Board will be discussing providing an office space for this position.

Dave Koenig reported that this week is King Tide week. On Wednesday and Thursday mornings the tide level is supposed to reach approximately 12.4 feet in Marysville.

### **Call on Councilmembers**

Donna Wright stated she will not be able to attend the Cities and Towns meeting but there will be elections so it would be good if someone could attend.

Jeff Seibert had no comments.

Michael Stevens congratulated Kamille Norton.

Rob Toyer had no comments.

Steve Muller had no comments.

Kamille Norton had no comments.

### **Adjournment**

Council recessed into Executive Session at 8:30 p.m.

### **Executive Session**

A. Litigation

B. Personnel

C. Real Estate – one item, RCW 42.30.110(1)(b)

Executive Session ended and public meeting reconvened at 8:35 p.m.

**Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 8:35 p.m.

Approved this 5 day of February, 2016.



Mayor  
Jon Nehring



April O'Brien  
Deputy City Clerk