

**Work Session**  
July 5, 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, Rob Toyer, Jeff Vaughan, and Donna Wright

**Absent:** Michael Stevens

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Commander Jeff Goldman, City Attorney Jon Walker, Streets and Solid Waste Manager Paul Kinney, Parks and Recreation Tara Mizell, Planning Manager Chris Holland, Fire Chief Martin McFalls, and Recording Secretary Laurie Hugdahl.

Mayor Nehring commented that Councilmember Stevens had notified staff that he would be out of town and had requested an excused absence.

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

**Approval of the Agenda**

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

**Committee Reports**

None

## **Presentations**

## **Discussion Items**

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

1. Consider the June 6, 2016 City Council Work Session Minutes
2. Consider the June 13, 2016 City Council Meeting Minutes

## **Consent**

3. Consider the June 22, 2016 Claims in the Amount of \$521,957.61; Paid by EFT Transactions and Check Numbers 109097 through 109274 with No Checks Voided

## **Review Bids**

4. Consider Awarding the Grove Street Pedestrian and Bicycle Improvement Project with SRV Construction, Inc. in the Amount of \$396,366.75 Including Washington State Sales Tax and Approve a Management Reserve of \$35,000 for a Total Allocation of \$431,366.75

Streets and Solid Waste Manager Paul Kinney reviewed this item. There were no questions or comments.

## **Public Hearings**

### **Action Item**

5. Consider the Mother Nature's Window Caretaker Services Agreement and Lease Agreement with David and Betty Nelson

Tara Mizell explained this is a regular caretaker agreement. There were no comments or questions.

## **New Business**

6. Consider the Barkly Manor Modification (SERJ Development) and Authorize the Execution of all Necessary Documentation in Order to Relinquish the Restrictive Covenant Recorded Under Auditor's File Number 2416572 (Barkly Manor Restrictive Covenant), Subject to Dedication of 38th Avenue NE in a Desired Alignment Substantially Similar to that Depicted and to Execute all Necessary Documentation Accepting Dedications of Rights-of-Way for Future 37th and 38th Avenue NE

Planning Manager Chris Holland reviewed this item. He explained that there is a proposed development of Sonic, the medical facility, and some other buildings there. Barkly Manor was recorded in 1975 with a restricted covenant, but Barkly is interested in selling part of the property. In order to do that Barkly has agreed to relinquish the restricted covenant and dedicate all of 38<sup>th</sup> Avenue where it would connect to future southern connections. Staff is asking Council to authorize the Mayor to execute whatever documentation is necessary to relinquish the restricted covenant and dedication for 37<sup>th</sup> and 38<sup>th</sup> Avenue.

Councilmember Muller asked if this is subject to project completion. Planning Manager Holland replied that in order to sell the property they would be dedicating the construction of the road as part of the development before any occupancy permits would be allowed.

7. Consider the Interlocal Agreement between the City of Stanwood and the City of Marysville for Outdoor Video Services

Tara Mizell noted that this is similar to other agreements they have with other cities to show movies in parks. There were no comments or questions.

8. Consider the Local Agency State Aid Project Prospectus and Local Agency Supplemental Funding Agreement with WSDOT thereby Securing Construction Funding for the Grove Street Pedestrian and Bicycle Improvements (State Ave to Cedar Ave)

Streets and Solid Waste Manager Paul Kinney reviewed this item. There were no comments or questions.

9. Consider Acceptance of the 2015 Biosolids Removal with American Process Group, Inc. and Reuse Project, Starting the 45-day Lien Filing Period for Project Closeout

Streets and Solid Waste Manager Paul Kinney reviewed this item. He noted this project is completed, and they are starting the 45-day lien filing period for project closeout. There were no comments or questions.

10. Consider the Professional Services Agreement in the Amount of \$60,635.00 with Stantec Consulting Services Inc.

This is for the Cedarcrest pump station generator. This PSA will provide the City with design, engineering, bidding support and construction oversight services for the generator. The recommended consultant is Stantec Consulting Services, Inc. Staff is recommending that Council authorize the Mayor to sign the agreement. There were no comments or questions.

11. Consider an **Ordinance** Relating to Exemptions from Extending Sewer to any New

Land Division Located Greater than 200 Feet from a Sewer Main and the Maximum Lot Size for the Proposed Land Division by Amending Section 14.01.050 of the Marysville Municipal Code

Planning Manager Holland reviewed this item.

12. Consider an **Ordinance** Amending Chapter 6.24 of the Municipal Code, Defining Public Nuisances and Updating Definitions

City Attorney Walker stated this is the most current attempt at putting together what the Council has been working through. *Junk* has been clarified. The definitions of *garbage* and *trash* have also been clarified. He reviewed other proposed clarifications regarding recyclables, tires, oil, appliance, etc. Some abatement language has also been added to enable the City to clean up the property. The Hearing Examiner process would still be available, but it wouldn't be necessary for abatement.

Councilmember Seibert asked if the abatement language is only related to public nuisance items. City Attorney Walker affirmed that it is. Councilmember Seibert referred to open storage in the backyard and asked how they would know if something on the property would constitute a nuisance until they started going through it. City Attorney Walker replied if it was in the front yard it wouldn't be allowed. In the back yard it would be allowed unless it was clearly garbage or trash.

Councilmember Muller commented that the City wouldn't do abatement until staff had contacted the property owner several times. By that point they would be clear on what was in the backyard. CAO Hirashima agreed that they would have to build a case for abatement. If it's screened from public view there wouldn't be an issue.

Councilmember Norton asked what would be an example of an immediate threat to public health or safety. City Attorney Walker suggested it could be a gushing septic system or something egregious like that.

Mayor Nehring stated that the abatement provision can be helpful as another tool in criminal prosecution. There may be some citizens that this will fast forward the process, but in all likelihood it will take the same amount of time. There would still need to be a substantial case of fines and citations with the property owner. In roughly 95% of cases the City gets compliance so this would only apply to about 5% of cases.

Councilmember Norton asked if these code changes would help with some of the problem homes. CAO Hirashima thought that they would help with some of the more difficult cases since it will be a more straightforward process.

Councilmember Muller spoke generally in support of this document but expressed concern about it being overused by citizens.

Councilmember Seibert asked about the section regarding inoperable vehicles section. City Attorney Walker explained that the only thing that has changed with that section is the number.

## **Legal**

### **Mayor's Business**

Mayor Nehring had the following comments:

- Thanks to everyone for their work over the 4<sup>th</sup> of July, especially Police and Fire.
- Thanks also to staff, Council, and everyone helping out with this discussion.

### **Staff Business**

Sandy Langdon had no comments.

Paul Kinney had no comments.

Tara Mizell commented that Poochapalooza, Junk in the Trunk, Rods on Third, and the Farmers market are all happening around the city this weekend.

Chris Holland had no comments.

Commander Goldman:

- Strawberry Festival was the smoothest he has seen in 27 years.
- He gave a summary of numbers related to the 4<sup>th</sup> of July for July 1-5. The purpose was to educate and enforce the laws related to possession and use of fireworks and minimize damage to property and injuries. The priority given was to respond to complaints, self-initiate and patrol city parks. Focusing on the City parks was an excellent preventative strategy. July 1-5 there were two officers on patrol between 8 p.m. and 2 a.m. focused solely on fireworks complaints. They responded and self initiated based on the fireworks focused data they received. The officers had the ability to note repeat complaints to enable more efficient responses. There was also a Pro-act team focusing on fireworks. Patrol officers also took the opportunity if they had it. Police handed out stacks of preprinted fliers to each fireworks stand and encouraged them to hand them out. The fliers reviewed what is legal and what isn't. Overall there were 62 warnings given and 15 tickets. The weather and the day of the week the 4<sup>th</sup> fell on played a significant role in the decrease in calls.

Councilmember Muller asked about the dividing point between a warning and a ticket. Commander Goldman explained that it is not always clear because there are many factors involved.

Mayor Nehring noted that Everett uses reader boards really effectively. Marysville could do something similar next year. Commander Goldman agreed that this will be a great education tool next year.

Councilmember Muller asked how garbage was today. Paul Kinney replied that it wasn't terrible, but they did get a few reports of fireworks piled up around mailboxes.

Chief McFalls stated that Fire opened the Fire Operation Center last night but there was a surprisingly low number of calls. There were six fireworks related injuries last night which was half of last year's numbers in the same timeframe. He thinks a lot of people know that it's the last year, and it seems like people are more safe and sane.

Jon Walker had no comments.

Gloria Hirashima had no comments.

### **Call on Councilmembers**

Rob Toyer asked for confirmation that there were no major house fires or injuries. Chief McFalls replied that there was nothing serious.

Jeff Vaughan said he enjoyed festivities on the 4<sup>th</sup>. It is with some sadness that he and some friends had their get-together last night knowing it was the last year they would be able to have their fireworks activity. He expressed disappointment that a few people messed it up for the rest of the citizens. He stated that people are looking to leave town next year because of the regulations.

Jeff Seibert asked Paul Kinney about the maximum slope on wheelchair access at an intersection. Paul Kinney said he would look into it for him. Councilmember Seibert noted that the new ramps at 88<sup>th</sup> and 35<sup>th</sup> have a high grade, and the ramp looks steep.

Steve Muller commented that in Kirkland everyone still had their get-togethers, but then walked down to the fireworks show as part of the celebration. He thinks there are still opportunities to enjoy the 4<sup>th</sup> of July.

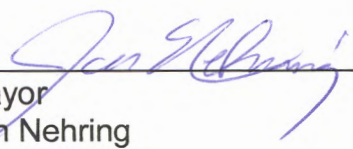
Donna Wright had no comments.

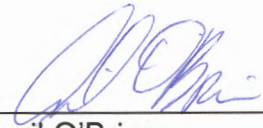
Kamille Norton had no comments.

**Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 7:45 p.m.

Approved this 25 day of July, 2016.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk