

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approval of the Agenda	Approved
Committee Reports	
Audience Participation	
Presentation	
Approval of Minutes	
Consider Approval of the June 6, 2016 City Council Work Session Minutes	Approved
Consider Approval of the June 13, 2016 City Council Meeting Minutes	Approved
Consent Agenda	
Consider Approval of 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	Approved
Consider Approval of the Mother Nature's Window Caretaker Services Agreement and Lease Agreement with David and Betty Nelson	Approved
Consider Approval of 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	Approved
Consider Approval of the Interlocal Agreement between the City of Stanwood and the City of Marysville for Outdoor Video Services	Approved
Consider Approval of 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)	Approved
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	Approved
Consider Approval of the Professional Services Agreement in the Amount of \$61,940.00 with Stantec Consulting Services Inc.	Approved
Consider Approval of the June 29, 2016 Claims in the Amount of \$562,941.22; Paid by EFT Transactions and Check Number 109275 through 109442 with Check Numbers 85559 and 108226 Voided	Approved
Consider Approval of the July 5, 2016 Payroll in the Amount of \$1,873,928.07; Paid by EFT Transactions and Check Numbers 30037 through 30079	Approved
Review Bids	
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	Approved

Public Hearings	
New Business	
Consider Approval of 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	Approved Ord. No. 3028
Consider Approval of an Ordinance Amending Chapter 6.24 of the Municipal Code, Defining Public Nuisances and Updating Definitions	Approved Ord. No. 3029
Legal	
Mayor's Business	
Consider Approval of the Reappointment to Salary Commission: Tom King	Approved
Staff Business	
Call on Councilmembers	
Adjournment	8:35 p.m.
Executive Session	8:40 p.m.
Potential Litigation – Two items	No action
Adjournment	9:40 p.m.

COUNCIL



MINUTES

Regular Meeting July 11, 2016

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Dennis Niva 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, 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

Audience Participation

Mike Oleson, 9412 - 57th Drive NE, referred to proposed code amendments regarding nuisance homes. He distributed photos of nuisance homes in his neighborhood dating back to 2014 and reviewed his history with code enforcement and filling out an online complaint form. He said he got excellent support from Officer McLeod who was very helpful in explaining the process. Mr. Oleson was upset that the charges were ultimately dropped because the City felt his neighbor was in compliance. He disagreed with this assessment. Another neighbor also filed a complaint form about the same situation and

was told that the outcome is still pending. He commented that the new code amendments deal with garbage in the back yard, but the debris he is referring to is visible from the street. He also pointed out that there are animals that have to deal with this too. He feels this is an animal control issue. He commented that the adjacent property smells of animal feces, rats, and garbage and interferes with neighbor's right to enjoy his back yard. He concluded by complimenting staff. He thanked Chief Smith and his staff for their efforts watching the house which has resulted in fewer short stay visits to this house. He also thanked Parks Director Ballew for his presentation recently regarding the Mother Nature's Window Master Plan. Finally, he thanked the Mayor, Council, and staff for allowing him to speak.

Ron Friesen, 4714 – 124th Place NE, commented on why he believes codes aren't being enforced. He stated that four steps are required to fix the problems. The City needs to: 1) fix the code, which is an ongoing process; 2) provide more code enforcement officers (four full-time) to deal with neglected homes, graffiti abatement efforts, junked vehicles, zombie houses which have been condemned, monitor commercial properties; 3) allow code enforcement officers to take action on violations they witness without requiring a request for assistance, and 4) revise the enforcement process by going the abatement route. He commended the Council on its work on step 1 and encouraged them to continue working on steps 2, 3, and 4.

Leon D. Soper, 5305 – 90th Street NE Marysville, WA, expressed concerns about the City of Marysville taking over the Fire Department. He doesn't believe this is a good move for the citizens. He stated that the Fire Department is excellent now, and he would hate to see it get cut. He spoke in support of a Regional Fire Authority (RFA). He would like to see this go to a vote of the citizens.

Terrence Nies, 4131 – 126th Place NE, Marysville, WA 98271, also spoke in support of a Regional Fire Authority. He spoke against the City taking over the Fire District. He noted that the calls are up 30% since 2010, and the Fire Department remains understaffed. He noted that the Fire District has to dip into its reserve fund each year just to pay for expenses.

Larry Nelson, 11022 - 46th Avenue NE, Marysville, WA, expressed support for the RFA. He discussed his concerns and asked about the City's vision for the Fire Department. He expressed concern about splitting the fire department.

Kate Songhurst, 15521 Sturtevant Ave, Stanwood, WA, spoke as an employee and member of Local 3219. She works as a firefighter paramedic and asked the Council to consider being an RFA. She stated that a study done by the City of Marysville showed that it was in the best interest of the public to become a Regional Fire Authority. She expressed concerns about being able to serve citizens and protect them in a timely manner.

Cody Brooke, 1417 – 80th Ave SE, Lake Stevens, firefighter paramedic, member of Local 3219, spoke in support of an RFA in order to provide better service to the community.

Chris Vold, 7105 – 67th Drive NE, Marysville, WA 98270, referred to Ordinance 3025 regarding limiting disabled parking in the city limits. He stated it is in violation of RCW 46.19.050 (5) because it's not clearly posted on the street, and the City should not be able to enforce it.

Ed Bailey, 13132 – 48th Ave NE, Marysville, WA, thanked the Council for their work on code enforcement. He thanked Councilmember Stevens for coming out to take a look at the neighborhood. He hopes they can continue to work together for the betterment of the Marysville community and improve the houses that need to be upgraded. He stated that following the KING 5 news story a worker was out at the house the next day to remove a tree that was on the roof. He thanked the Marysville Globe for their article which led to the KING 5 coverage. He urged the Council to fully support the code enforcement people to get the city cleaned up.

Charles Smith, 7110 - 67th Drive NE, Marysville, WA, spoke regarding the car that's been parked in front of his house for 2½ years without moving. He stated that the Council recently passed an ordinance regarding the situation. He requested that Council now take action on removing the car. The owner of the car told an officer he had been driving it which is false information. Mr. Smith said he has been trying to work with the family, but they have made no action to move the car. He stated that his whole neighborhood is fed up with this situation and he cannot do work on his own property because this car is blocking it. He urged the city to get more code enforcement since it is badly needed.

Chief Smith stated that the police are very aware of the situation and are prepared to take action.

Mrs. Smith echoed her husband's comments.

Ron Friesen, 4714 – 124th Place NE, referred to a handout he distributed regarding New Business item 12 proposed code changes. He stated he is in favor of the amendments with some concerns. He encouraged the Council to look more at abatement instead of punishment. Additionally, after the third violation, he thinks it should state that fines "shall" accrue. He thinks the section about salvage items effectively undermines the whole nuisance code because anything can be referred to as salvage. He strongly urged the Council to delete that item. He thinks garbage service should be mandatory. He referred to the section about the number of tires allowed to be stored on property and noted that 12 seems like an arbitrary number. He recommended zero. When thinking about what constitutes a junk car he suggested that cars parked in the neighborhood should be licensed, and they should be roadworthy unless they are designated as off-road vehicles. He expressed great concern about the language regarding open storage being screened from public view. Finally, he applauded the abatement language.

Mike Doyle 7113 67th Drive NE, Marysville, WA stated he is the recipient of the other junked vehicle that is an issue. He displayed a picture of the truck that has been parked

in front of his house for two years. It moves for a couple hours a week, but otherwise is always in front of his yard. He stated that one dwelling in his cul-de-sac has five vehicles and is encroaching on the rest of the neighborhood. He asked if there is a limit to the number of vehicles people can have for a given residence.

Mark Johnson, 12433 – 48th Drive NE, Marysville, spoke regarding code enforcement. He stated that one neighbor has every vehicle he's ever owned in the last 40 years parked next to his house. Code enforcement came out and determined there was no violation. He expressed concern about zombie vehicles such as unused cars, motor homes, etc. that are throughout the community. These are not being addressed by the proposed code changes.

Chris Hottinger, 7713 – 56th Drive NE, Marysville, WA, also expressed concern about houses with junked cars and drug use. He noted his family does not feel safe in his neighborhood. He is a UPS driver, and noted that Marysville has a reputation for drugs and issues it needs to deal with.

Michelle Taylor, 4828 - 129th Place NE, Marysville, WA, also expressed concern about parked cars in her neighborhood. She noted that this is a safety concern because emergency vehicles can barely get through. Cars are parked on the sidewalks and kids can barely get through. She asked about a code provision that limits the number of vehicles that a house can have.

Ryan Hold, 7105 – 67th Drive NE, Marysville, WA, expressed concerns about the City's compliance with state and federal code. He stated that he understands his neighbors' concerns about parking, but noted that he has tried to get designated handicapped parking without getting any response. He stated this is required by federal law and the Americans with Disabilities Act.

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

1. Consider Approval of the June 6, 2016 City Council Work Session Minutes

Councilmember Stevens stated he would be abstaining as he was absent at the June 6 meeting.

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to approve the June 6, 2016 City Council Work Session Minutes. **Motion** passed 6-0 with Councilmember Stevens abstaining.

2. Consider Approval of the June 13, 2016 City Council Meeting Minutes

Councilmember Norton stated she would be abstaining as she was not at the June 13 meeting.

Motion made by Councilmember Stevens, seconded by Councilmember Muller, to approve the June 13, 2016 City Council Meeting Minutes. **Motion** passed 6-0 with Councilmember Norton abstaining.

Consent

3. Consider Approval of 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
5. Consider Approval of the Mother Nature's Window Caretaker Services Agreement and Lease Agreement with David and Betty Nelson
6. Consider Approval of 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
7. Consider Approval of the Interlocal Agreement between the City of Stanwood and the City of Marysville for Outdoor Video Services
8. Consider Approval of 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)
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
10. Consider Approval of the Professional Services Agreement in the Amount of \$61,940.00 with Stantec Consulting Services Inc.
14. Consider Approval of the June 29, 2016 Claims in the Amount of \$562,941.22; Paid by EFT Transactions and Check Number 109275 through 109442 with Check Numbers 85559 and 108226 Voided
15. Consider Approval of the July 5, 2016 Payroll in the Amount of \$1,873,928.07; Paid by EFT Transactions and Check Numbers 30037 through 30079

Motion made by Councilmember Vaughan, seconded by Councilmember Wright, to approve Consent Agenda items 3, 5, 6, 7, 8, 9, 10, 14, and 15. **Motion** passed unanimously (7-0)

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

Director Nielsen stated there are two funding partners with this project - TIB and WSDOT Pedestrian and Bicycle Improvements. WSDOT is contributing about \$200,000 to the project; the TIB is contributing about \$136,000, and the City is contributing about \$95,000. The City's match is from the TBD. He pointed out how they are leveraging the TBD money to get more money from outside agencies to do improvements.

Councilmember Stevens asked if the improvements are designed to accommodate the potential overpass. Director Nielsen said they are not but these are on surface and the overpass will probably be above grade. They probably can be incorporated somehow.

Motion made by Councilmember Muller, seconded by Councilmember Seibert, to authorize the Mayor to sign and execute the Grove Street Pedestrian and Bicycle Improvement Project with SRV Construction 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. **Motion** passed unanimously (7-0)

Public Hearings

New Business

11. Consider Approval of 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

Community Development Director Koenig explained that currently in the City you can subdivide property into two lots but one of the lots has to be the minimum size of 12,500 square feet. This ordinance would provide flexibility to allow two lots without the restriction of minimum size for septic tanks.

Motion made by Councilmember Vaughan, seconded by Councilmember Stevens, to adopt Ordinance No. 3028. **Motion** passed unanimously (7-0)

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

City Attorney Walker stated he had no further comments regarding this item.

Councilmember Stevens asked staff's opinion regarding section 6.24.040 subsection 24(d) which Mr. Friesen feels negates the whole revision effort. City Attorney Walker

disagreed with this interpretation and explained that storing garbage is not open storage; it's storing trash. He stated he is very comfortable with the way it is written.

Councilmember Muller said he didn't want to put this off any longer even though it may need tweaking in the future.

Motion made by Councilmember Wright, seconded by Councilmember Toyer, to adopt Ordinance No. 3029. **Motion** passed unanimously (7-0)

Legal

Mayor's Business

13. Consider Approval of the Reappointment to Salary Commission: Tom King

Motion made by Councilmember Seibert, seconded by Councilmember Wright, to approve the Mayor's appointment of Tom King to the Salary Commission. **Motion** passed unanimously (7-0).

Other:

- There will be a meeting next Monday at 6:00 p.m. regarding the criminal justice tax measure that is before the voters.
- There were a lot of great events over the weekend. Thanks to everyone who helped to make them happen.

Staff Business

Sandy Langdon stated there is no need for a Finance Committee in July. There was consensus to cancel the July meeting.

Jon Walker stated the need for an Executive Session to discuss two matters related to potential litigation for 20 minutes with no action.

Kevin Nielsen:

- He stated that the City is totally in compliance with state and federal laws regarding ADA parking on city streets. He stressed that staff has researched this extensively and is very comfortable with it.
- He stated that the City will be removing parking on arterial streets.
- The traffic circles on 92nd look a little different. They have the City of Marysville stamped in the concrete.
- The weather forecast is clear.

Jim Ballew:

- He is grateful for the good weather forecast.
- Concerts and movies in the park start this week.

- Jennings Park has become a hotspot of interest with teenagers playing Pokémon Go.
- The Mothers Nature Window meeting was very lively. Staff learned a lot from the surrounding neighbors. Staff is grateful for the opportunity to meet with the neighbors. They plan to retool this and come back.
- The City has been very busy. Junk in the Trunk, Poochapalooza, Farmers Market, and Rods on Third all happened last weekend.

Chief McFalls had no further comments. He thanked the Council for hearing the Fire District members' comments.

Dave Koenig reported that the Planning Commission will be meeting tomorrow to discuss the two-year extension of subdivision short plats that are about to expire. The industry has asked the City to consider allowing those to be extended for two additional years. This will come before the Council in September. Most of these short plats were approved in Marysville and therefore meet city standards. Staff is proposing that if they meet the current standards, extensions could be given for two years. This gives some flexibility to the building community regarding construction of the subdivisions.

Chief Smith:

- Thanks to Council for the code enforcement changes. He appreciates the fact that the community came out to talk. He stressed that the employees of the City are working hard as hard as they can to meet the needs of the citizens. The City has a great workforce which is doing everything it can.
- It has been a rough week for law enforcement in general. He is proud of the Marysville Police Department, the City, and community support. He stated that the Police Department strives to have high standards and will continue to do so.

Gloria Hirashima thanked the Council for taking action on the code enforcement ordinance they did tonight. She also commended them on the thorough way they went about it. She noted that the Council has heard complaints about code enforcement over the past few months, but this is a very broad area. She discussed the complexity of the citizen comments and the issues raised.

Call on Councilmembers

Jeff Vaughan:

- Thanks to City Attorney Walker for his good work on the code amendments and interpreting Council's comments and concerns.
- He stated that under the leadership of Mayor Nehring a lot has been done to clean up the City in numerous ways. He stated that the Mayor was instrumental in the Community Beautification grant program that provides money to clean up neighborhoods; Clean Sweep Week where the City focuses on various areas of the City to clean up; graffiti elimination program which has been extremely successful; and Pride of Marysville Neighborhood Improvement Awards which sets a standard of something that property owners could use as an example of

what they can do. Regarding abatement, the City has been involved with many abatement efforts at city cost. Recently the Council has backed the Mayor in illegal camping enforcement which has helped to clean up some areas. The Mayor has also been in communication with Senator Patty Murray and Congressman Larson's office regarding the problem of homes that have been foreclosed, are owned by banks, and are sitting empty. He also reviewed the tremendous improvements that have been made with crime reduction.

- He discussed the comments of Chief Brown of the Dallas Police Department and stated that there are lessons to be learned from that press conference.

Mayor Nehring thanked the Council and staff for their support and funding of his initiatives to improve the City.

Donna Wright thanked Chief Smith for his heartfelt remarks.

Jeff Seibert:

- He commended Councilmember Vaughan for his comments. He commended Councilmember Vaughan for his work with the graffiti issue.
- He asked Director Nielsen about ADA cuts at 88th and 36th. There was discussion about the requirements and the possibilities.
- He attended the car show at the courthouse. There were 60 cars and 40 new sponsors for trophies.

Michael Stevens:

- Thanks to all the citizens who came out to express their concerns.
- He commended City Attorney Walker for his work on the Ordinance.
- The Fire Board Meeting has been moved to Tuesday, July 26.
- He stated that Battalion Chief Taylor has been making the rounds with his impressive voice. He kicked off the 4th of July celebration at Gas Works Park recently as well as a Mariners game. He thanked Battalion Chief Taylor for serving in that capacity too.

Rob Toyer said he thinks it's great that the citizens came to express their opinions.

Steven Muller:

- Thanks to Jeff Vaughan for his comments.
- He commended City Attorney Walker for his work on the Ordinance.

Kamille Norton:

- She expressed appreciation for the work of the City Attorney and the work of the Council.
- She appreciates the thoroughness of the Council in going through this problem.
- She agreed that Chief Brown's press conference was impactful. She noted how important it is for the different branches of government to work together to solve community problems.

Council recessed at 8:35 p.m. until 8:40 p.m. before reconvening for 20 minutes in Executive Session to discuss two potential litigation items.

Executive Session

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

Executive session extended ten minutes.

Executive session extended 15 minutes.

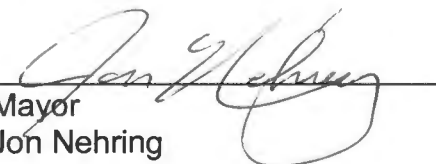
Executive session extended 15 minutes.

Executive session ended and public meeting reconvened at 9:40 p.m.

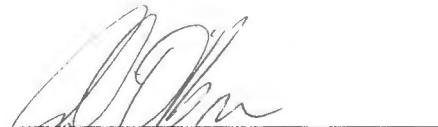
Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:40 p.m.

Approved this 25 day of July, 2016.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk