

COUNCIL



MINUTES

Work Session June 6, 2011

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: Lee Phillips, Carmen Rasmussen, Jeff Seibert, John Soriano, Michael Stevens, Jeff Vaughan, and Donna Wright

Absent: None

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Asst. Human Resources Director Kristie Guy, Senior Planner Chris Holland, and Recording Secretary Laurie Hugdahl.

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to move item 22 to the first discussion item on the agenda. **Motion** passed unanimously (7-0).

Committee Reports - None

Presentations

A. Qwuloolt Trail Presentation

Gloria Hirashima introduced members of the Qwuloolt Project Team. She reviewed the background on this project and explained that one of the biggest issues the City is concerned with is flood risk to the surrounding properties. Public Works Director Nielsen commented that there has been an extreme amount of modeling done on this project.

He expressed appreciation for all the good work that has been done on this project by the Tulalip Tribes and the Corps of Engineers.

Mr. Nelson from the Tribes gave a PowerPoint presentation regarding the Qwuloolt project. He discussed the salmon recovery and ecosystem benefits, showed the project area, and discussed the different areas of responsibility for the design and construction during the project period of 2011-2013.

He also discussed the following project concerns expressed by Marysville:

- Flooding to abutting properties - Flood control features include levee and internal berms. The intention is to provide the same level of flood control as provided by the Ebey Slough up to the 10-year flood event. Additionally a portion of the trail will be raised and stormwater outfalls will be retrofitted.
- Shoreline erosion or channel erosion that can impact adjacent properties and infrastructure- Erosion control features include moving the outlet away from the historical channel location because the modeling suggested this would be a better location. Further modeling indicates this will result in no erosion. Also, internal berms and planting of berms and project perimeter will assist in reducing wave erosion.
- Stormwater runoff from industrial park - the plan to construct a 5 to 6.5 storage basin to provide additional treatment and storage and to maintain the groundwater levels. They will also modify the old Allen Creek Channel which will provide stormwater drainage and additional storage.
- Groundwater Impacts - Studies determined that groundwater elevations at the industrial site are high, which indicates that other adjacent properties also have high water tables. High water table and elevation gradient will limit tidal influence from affecting groundwater. The stormwater basin will maintain groundwater levels for industrial park. The old Allen Creek will be modified to provide drainage and intercept seepage. Final levee designs will consider permeability and soil structure.
- Liquefaction - The potential for liquefaction will be incorporated into levee design.
- Public access in accordance with Shoreline Master Program. The project team will continue to work with the City of Marysville staff as they develop an access plan to the project area.

Questions:

Councilmember Soriano asked if this project bears similarities to the Nisqually Delta breach. Mr. Nelson stated that there are some similarities. For the Nisqually Delta they opened up a little bit of wildlife refuge to let tidal influences return to it. Councilmember Soriano asked if this plan utilizes more channeling. Mr. Nelson explained that the Nisqually Delta used some channeling, but what is proposed for the Qwuloolt project is to let the major channels evolve and extend out. The planners will lay the framework for channel creation, but will let Mother Nature and tidal flow construct the rest of it.

Councilmember Vaughan asked how the Nisqually Delta compares in size to this project. Mr. Nelson thought that the Nisqually was bigger, but this would be the second largest in Puget Sound. Councilmember Vaughan asked if the vegetation that is in there now would be removed from the property. Mr. Nelson stated that they expect that in the middle of the project area there will be a lot of mud for the first few years and along the periphery there will be gradation of plants remaining such as the reed canary grass since the freshwater table is so high in that area. They will also be building some high spots and planting those.

Councilmember Vaughan asked who will be responsible for maintaining the levees once the project is complete. Mr. Nelson replied that upon completion of the project the Corps will hand over an Operation and Maintenance Plan and Manual for the levee to the Tribes. Initially the Tribes will be responsible, but he would like to suggest that they share the responsibility with the City of Marysville through an Interlocal Agreement in the future. CAO Hirashima commented that the City had a meeting with many of the Dyking District 3 commissioners and the project team a couple weeks ago and this topic was raised there. The City will continue to investigate the issue.

Councilmember Rasmussen asked what exists now and what will exist upon completion of the project related to trail potential. Mr. Nelson replied that they are willing to grant easements where they can on the site to provide trail access. He would like to see the community able to enjoy this site. Currently the City has a trail along the north edge. The Tribes are working with NRCS to grant an easement to extend the trail in the southeast corner. The staging area will likely become a parking lot and the City has expressed an interest in turning that into a park. The Tribe owns property in Sunnyside and the RG property and can grant easements in several areas. He noted that there have been concerns raised by landowners about potential trails in that area.

Councilmember Wright asked about the old log dump. Parks and Recreation Director Ballew commented that it would be a great location for an educational sign to identify its historical use.

Councilmember Rasmussen requested additional copies of maps that were distributed to the Public Works Committee. CAO Hirashima indicated she would provide copies to the rest of the Council.

CAO Hirashima thought they would be taking something to the Hearing Examiner within the next couple months. The Tribes hope to start construction this summer. The dyking district discussion will continue in terms of deciding who will maintain this project and under what form of agreement. The City also holds property in this project area and is working on an agreement with DOE and the Corps of Engineers to get a mitigation credit for participation in the project.

Discussion Items

New Business

22. An **Ordinance** of the City of Marysville, Washington, Amending the City's Comprehensive Plan by Adopting the 88th Street Master Plan; Amending the City's Development Regulations by Adopting MMC Chapter 22C.085; and Amending MMC 22A.010.160 Related to Tracking Amendments to the City's Uniform Development Code.

Senior Planner Chris Holland gave a PowerPoint presentation on the 88th Street Master Plan and distributed a copy of the presentation to the Council. The presentation included the boundaries, the purpose, Comprehensive Plan Map and Text related to this, existing zoning, critical areas, and buildable area. He discussed Form Base Codes (FBC) which are a method of regulating development to achieve a specific urban form. These commonly include regulating plan, public space standards, building form standards, administration and definitions.

He then reviewed two alternatives. Alternative 1 proposes dividing the MPAQ into two form based zones: 88 MU and 88 MF. Alternative 2 is a result of public comments. The Planning Commission recommended retaining existing zoning generally south of 84th: 88 MU, R 4.5, and R 6.5. The Master Plan contains Design Guidelines as Appendix A. This specifically outlines the design guidelines for development within the MPA. The design guidelines include: administration, Site Planning, Pedestrian Access, Amenities, and Open Space, Vehicular Access and Parking Design, Building Design, Landscaping, Signage, Lighting, BSNF Fencing and Landscaping, and Definitions.

Internal access for the area will be through a private internal access road as depicted in Appendix B of the 88th Street Master Plan. A new at-grade controlled BNSF Railway crossing is proposed at 84th Street NE and State Avenue, but is not part of this plan.

Senior Planner Holland also reviewed the history of the Planning Commission review and recommendation.

Questions:

Councilmember Rasmussen asked if the people in the area of 36th Avenue on the west side of the creek have a view of Pilchuck that might be blocked by development. Senior Planner Holland replied that those people do not have a view currently.

Councilmember Wright expressed concern about people leaving the area onto 88th. Mr. Holland explained that most people would exit via 84th which would be a signalized intersection.

Councilmember Seibert asked Senior Holland how he thinks the public is feeling about the way this turned out. Mr. Holland stated that there are still concerns about traffic and contamination of well water, but generally he thinks that keeping the land use to the south was very positive for the neighbors.

Mayor Nehring thanked Mr. Holland for the presentation and his hard work.

Approval of Minutes

1. Approval of May 9, 2011 City Council Meeting Minutes.

Consent

2. Approve the May 11, 2011 Claims in the Amount of \$1,346,831.46; Paid by Check Number's 70056 through 70186.
3. Approval of May 18, 2011 Claims in the Amount of \$2,144,061.62; Paid by Check Number's 70187 through 70344 with Check Number's 29197, 33408, 68719 and 70179 Voided.
4. Approval of May 25, 2011 Claims in the Amount of \$213,889.91; Paid by Check Number's 70345 through 70489 with Check Number 69460 Voided.
5. Approval of the June 1, 2011 Claims in the Amount of \$1,077,691.56; Paid by Check Number's 70490 through 70613.
6. Approval of May 20, 2011 Payroll in the Amount of \$791,772.83; Paid by Check Number's 24245 through 24306.

Review Bids

7. Award Lakewood Triangle Access/156th Street Overcrossing Project.

Public Hearings

8. Public Hearing for Consideration of the First Amendment to 2003 Agreement between the City of Marysville and Public Utility District No. 1 of Snohomish County for Water Supply. (*will be held June 13, 2011*)

City Attorney Grant Weed explained that it is not required by law, but the City has scheduled a public hearing regarding this matter. He referred to the Agreement contained in Council's packet. A copy of ESHB 1407, the bill that was adopted by the legislature, which has been signed off by the governor and will come into effect July 1, is also in the packet. A copy of the original 2003 Agreement with PUD and a copy of the explanatory statement that staff prepared in conjunction with proposing the bill to legislature will be in Council's packet for next week.

He summarized highlights of the amendments to the 2003 Agreement as follows:

- It would provide for a revision to the overlap area that was designated in the original 2003 Agreement.

- Marysville would commit to construct certain utility improvements to the PUD system to enable them to continue service to that part of their service area.
- There is a specific description of the utility infrastructure and improvements that will be transferred from the PUD to the City under a Bill of Sale.
- There is a methodology in the amended agreement that provides how we will determine how much the City pays for the infrastructure.
- All connection fees collected by the PUD for a 12-inch main that the City will be committed to construct will be reimbursed to the City over a 10-year period.
- The PUD will pay the City for current and past due amounts for M&O that they were committed to.
- In order to transfer the systems a flow control valve and meters need to be moved. There has been agreement on how and where those will be moved. The PUD will contribute \$10,000 towards that effort.
- The Agreement only becomes effective upon successful passage of the amendment of the legislation which has already been done.

Director Nielsen thanked Grant Weed for how much work he has done on this issue.

New Business

9. An **Ordinance** of the City of Marysville, Washington Authorizing the Condemnation, Appropriation, Taking, Damaging and Acquisition of Land and Other Property for the Purpose of Constructing 51st Avenue N.E. from 84th Street N.E. to 88th Street N.E. and Associated Street Improvements.

Director Nielsen explained that this is a standard condemnation Ordinance.

10. Professional Services Agreement with Materials Testing and Consulting, Inc. in the Amount of \$71,526.00 and Council Authorize a 5% Management Reserve in the Amount of \$3576.00 for a Total Allocation of \$75,102.00.

Director Nielsen explained that this is to support the 156th Street Overcrossing and will save Marysville over \$1 million.

11. Application for The Village Restaurant to Conduct a Special Event as Described from June 17-18, 2011.

This relates to a special events permit for Strawberry Festival. Councilmember Seibert commented that the difference between this and what the Strawberry Festival had proposed is that they were proposing it in the park and this is on the restaurants' private property. CAO Hirashima concurred and noted that under items 11 and 12 both restaurants already have their liquor licenses as well.

12. Application for GA Maxwell's to Conduct a Special Event as Described from June 17-18, 2011.

This relates to a special events permit for Strawberry Festival.

13. Supplemental 5 to the Professional Services Agreement with Berger ABAM in the Amount of \$299,633.00, and the Council to Authorize a 5% Management Reserve in the Amount of \$14,982.00, for a Total Allocation of \$314,615.00.

Public Works Director Nielsen explained that this is the Design Engineer for the construction management.

14. Washington State Department of Corrections Project Agreement Addendum for Use of the Community Service Crews from July 1, 2011 to June 30, 2012.

Parks and Recreation Director Ballew explained that this is an annual exercise where the City agrees to the Addendum. The City will be providing tools this year which is a change from the previous agreement. Workers Compensation rates have also changed.

15. Supplemental Number 1 to the Professional Services Agreement with FCS Group, Providing for a No Cost Extension of the Agreement End Date, to July 31, 2011.

Public Works Director Nielsen explained that this is the group doing the valuation for the PUD property. There is no cost for this extension.

16. A **Resolution** of the City of Marysville Amending the ICMA-RC Deferred Compensation Plan and Trust to Include the Associated Roth Amendment.

Assistant Human Resources Director Kristie Guy reviewed the amendment which would allow greater flexibility to existing employees and includes a ROTH provision.

17. A **Resolution** of the City of Marysville Amending Resolution Number 2260, and Adopting Revisions to the Personnel Rules of the City of Marysville, Workplace Health and Safety - Return to Work Procedures and Temporary Light Duty Policy.

Assistant Human Resources Director Guy said that this would add a Light Duty Policy to personnel rules in the Health and Safety section. It would give the City the ability to bring injured employees back to work to jobs that their physicians have authorized them to perform and in positions where the City can use the extra help. Human Resources will be coordinating the program and will be the liaison between the doctor, the employee and the supervisor.

18. A **Resolution** of the Marysville City Council Enacted in Accordance with, and In Alignment to the Provisions of MMC 2.12.030 Adopting a Disaster Debris Management Plan for the City of Marysville, Washington.

Director Nielsen said that this goes with the Emergency Management Plan that was approved earlier by the Council. A Plan must be in place if they want to receive

reimbursement from FEMA in the event of a declaration. Marysville is the first city working with DEM in Snohomish County on getting a Disaster Debris Management Plan in place.

Councilmember Rasmussen asked why the Arlington site was not included in the temporary solid waste handling sites that will be used. Director Nielsen explained that the sites listed are the ones listed in Snohomish County's Management Plan. He commented that the locations are subject to change if necessary.

19. An **Ordinance** of the City of Marysville, Washington Amending Marysville Municipal Code Section 9.20.080 Relating to Permits for Fireworks Stands.

CAO Hirashima stated that they received nine applications. The current code provides for a maximum of eight. The City has looked at this because Bethlehem Lutheran (the ninth applicant) has complained that it was not fair that T&T fireworks received all eight of the permits. She explained that the only option available to them if they wanted to look at alternatives would be to repeal the limit for the number of stands. Staff has prepared an ordinance which would allow them to remove the limit.

Councilmember Seibert commented that there have been a lot of public complaints about fireworks in the past. Part of that discussion has been to not allow fireworks at all, but they have decided not to ban them because of the non-profits that benefit from the sales. He thinks that removing the limits now will make it more difficult to set limits later.

Councilmember Seibert asked for more information about what the Kiwanis funding would be used for.

Councilmember Rasmussen commented that just because someone applies does not automatically mean they receive a permit because the City still has standards. CAO Hirashima concurred. Grant Weed added that there are also state regulations. There was discussion about adopting an ordinance in the future to restore the limits.

20. An **Ordinance** of the City of Marysville, Washington Adopting a New Chapter 3.87 to Marysville Municipal Code "Natural Gas Tax."

Finance Director Langdon explained that this is adding a new chapter to the code to clarify natural gas tax. This is complying with state regulations.

21. An **Ordinance** of the City of Marysville, Washington Revising Rules for Utility Customers and General Fee Structure and Amending Sections 14.05.060, 14.05.070, 14.05.090 and 14.07.005 of the Marysville Municipal Code.

(Pulled)

Mayor's Business

- The Economic Development Summit about a week and a half ago was an excellent daylong event. He thanked Public Works Director Nielsen and CAO Hirashima for their hard work to bring this event together.
- At the Community Transit Board meeting, they reviewed the DART RFPs and continued debate on the three different service options.
- Healthy Communities Challenge Day on Saturday was a great event. He thanked parks and other city staff for their participation in this event.
- Relay for Life is this Saturday.
- He thanked staff for their hard work on the 156th Project, especially Director Nielsen and Grant Weed's office.

Staff Business

Sandy Langdon commented that Challenge Day was gorgeous and a lot of fun.

Kevin Nielsen:

- The trestle will be closed on Thursday night.
- We applied for a \$2 million overlay grant.
- The City has been invited to apply for grant funding for the SAFETEA-LU (Safe, Accountable, Flexible and Efficient Transportation Equity Act – a Legacy for Users) federal funds and the State Strategic Highway Safety Plan.
- Public Works is keeping very busy with the nice weather.

Kristie Guy had no additional comments.

Jim Ballew:

- Challenge Day was a lot of fun.
- Strawberry Festival starts this weekend with the Wenatchee Circus.
- Parks staff is extremely busy mowing and trimming.
- He is overwhelmed with what staff has been able to do with the resources. He acknowledged the faith-based community for their partnership.

Grant Weed stated the need for an Executive Session to discuss two items – one related to potential litigation and one related to collective bargaining. He estimated that they would need twenty minutes and no action was being requested.

Gloria Hirashima reported that at the Joint School Board/Council meeting a couple weeks ago, it was reported that the school district will not be able to fund SRO position for the upcoming school year given the budget cuts.

Call on Councilmembers

Michael Stevens had no comments.

Carmen Rasmussen thought that Healthy Communities Challenge Day was awesome. She recognized Recreation Coordinator Andrea Kingsford from Parks who did a

phenomenal job. This was a very well organized event and she thanked all of the partners and staff who participated.

Jeff Vaughan congratulated Councilmember Soriano on his son's graduation from the Air Force Academy.

Lee Phillips said that he also enjoyed the Challenge Day.

John Soriano reported that he was at a fire commissioners' conference over the weekend.

Donna Wright:

- The Economic Development Summit was tremendous.
- She attended the PSRC event the next day where the annual budget was approved and Kitsap County Council Member Scott was elected as next year's chair.

Jeff Seibert asked about an issue on 122nd. Mayor Nehring gave an update on the situation.

Council recessed at 8:38 until 8:43 p.m. at which time Executive Session started for 20 minutes to discuss one potential litigation item and one collective bargaining item with no action expected.

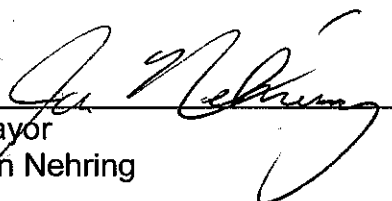
Executive Session

- A. Litigation – one potential litigation item pursuant to RCW 42.30.110(1)(i)
- B. Personnel – one collective bargaining item pursuant to RCW 42.30.140 (4)(a)
- C. Real Estate


Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:03 p.m.

Approved this 27th day of June, 2011.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk