

COUNCIL



MINUTES

Work Session
April 4, 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, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Information Services Manager Worth Norton, and Recording Secretary Laurie Hugdahl.

Committee Reports

Councilmember Vaughan reported on the April 1 Public Works Committee meeting where they discussed the following:

- GFCs and rates – The possibility of changing the way rates are done to aid development was discussed.
- PUD and Utility Fund cash flow situation.
- Layout and overview of plans for the 51st street project. Councilmember Stevens noted that the design for that was entirely done in-house.
- Progress on 156th street overcrossing. Good work has been done by engineering in terms of conveyance of stormwater away from the proposed project area.
- North End Master Plan – There have been some challenges getting this going and dealing with the Corps of Engineers' work that has to be done.
- Public Works location and upcoming study.

- Discussion about changing ordinance to help cover costs for turning water back on after non-payment.

Discussion Items

Approval of Minutes

1. Approval of March 21, 2011 City Council Retreat Minutes.
2. Approval of March 28, 2011 City Council Meeting Minutes.

Consent

3. Approval of March 30, 2011 Claims in the Amount of \$423,703.90; Paid by Check Number's 69180 through 69310.
4. Approval of April 6, 2011 Claims.
5. Approval of April 5, 2011 Payroll.

Review Bids

Public Hearings

New Business

6. Renewal of Department of Justice Sublease Increasing the Annual Lease to \$14,758.56 and Extending the Lease Period to September 30, 2011.

Director Nielsen reviewed this item. There were no questions.

7. Mid-Year Budget Adjustment for the Rollover of 2010 I-Net Funds for the Expansion of the City's Fiber Network.

Information Services Manager Worth Norton explained that the City had put this on hold while we examined other options. Staff now wants to bring this back in-house to complete this year. There were no questions regarding this item.

8. Mutual Agreement Regarding Application of Refund - Costco Wholesale Corporation.

CAO Hirashima explained that the City has a traffic impact fee exemption ordinance where the applicant can get about 50% of its mitigation fees returned to them if they generate a certain sales tax target. Costco qualified for the 50% rebate and is agreeable to crediting their LID fee payment with that amount instead of having it returned to them. This is very advantageous to the City in the current economic climate.

9. A Resolution of the City of Marysville, Washington, Authorizing Termination and Relinquishment of a City-Owned Easement on Private Property.

CAO Hirashima explained that the City is terminating a utilities easement which staff has investigated. They have determined that there are no utilities in the easement and there is no intent to put any kind of utilities there. By relinquishing the easement, the owners can use their backyard to construct a shop. There were no questions regarding this item.

Legal

10. An Ordinance of the City of Marysville Amending Marysville Municipal Code Chapter 5.60 Entitled "Itinerant Merchants" Relating to Peddlers, Solicitors and Transient Merchants; Providing for Severability; and Effective Date.

Grant Weed explained that the law has changed concerning itinerant merchants. This is an update to existing regulations concerning door-to-door salespeople. He reviewed some of the proposed changes. It would require a separate license for that type of activity and would require a background investigation. The license would have to be carried on the person that it has been issued to. Section 5 would identify particular hours that door-to-door solicitation could be carried out. Persons would be allowed to sign their residence if they didn't want peddlers to call on them. There are several exemptions where a license would not be required. He asked if the Council would also want to regulate street vendors as well as those who go door to door.

Councilmember Wright asked about vendors selling holiday-related items on street corners. City Attorney Weed pointed to the section of the code where this could be covered.

City Attorney Weed asked Council about their preference for violations of the ordinance to be criminal violations or civil infractions. He has provided alternative language for the Council to consider for both of these. Councilmember Seibert asked Chief Smith how he feels about this. Chief Smith said that either way they would provide enforceability. He suggested that they could have a certain number of times they could be cited as a civil infraction and then it could become a misdemeanor. He pointed out that it would have more bite if it is a criminal offense. Grant Weed discussed options available to the Council.

Councilmember Seibert expressed concern about certain types of vendors on sidewalks. Grant Weed explained that there are already provisions in the code regulating those types of activities. CAO Hirashima added that there is a bit of a gray area depending on how long they will be there and what they are selling.

Councilmember Wright asked if this would be a different category than a regular business license. Grant Weed stated that it is a regular business license.

Councilmember Soriano asked if this would impact ice cream trucks. CAO Hirashima did not think it would since they are currently licensing ice cream trucks.

Councilmember Rasmussen asked if an existing business has a sidewalk sale if they would need a different license. CAO Hirashima said that they would be covered if they had an existing business license.

Councilmember Vaughan asked how they can regulate someone on the street corner selling items, but they cannot regulate panhandling. City Attorney Weed replied that it depends on the extent to which they obstruct the movement of people or vehicles. This ordinance relates to the regulation of commerce dealing with goods and services, whereas the panhandler would not be selling anything. Councilmember Vaughan argued that some people could argue that the panhandler is making a living getting money from the general public. City Attorney Weed pointed out that it could also be viewed as philanthropy which is exempted.

Councilmember Seibert said he would not support people walking up to a car window and exchanging goods and money unless there is a shoulder or parking lot to pull off the road. City Attorney Grant Weed noted that they already have the ability to cite people who are obstructing traffic. Councilmember Rasmussen thought that this was taken care of by item A. Chief Smith added that any violation of this needs to be done in the presence of law enforcement in order for them to be able to cite someone.

Councilmember Vaughan expressed frustration with the restrictions they have dealing with panhandling while they are able to regulate legitimate businesses with this code. Chief Smith explained how they can address *aggressive* panhandling, but added that they have to actually witness it in order to cite them. Grant Weed discussed the court's understanding of the law.

Mayor's Business

11. Council Meeting Schedule Discussion

Mayor Nehring discussed the reduction in agenda items due to the budget situation and proposed suspending the third meeting of the month (the second study session) for the balance of the year. The remaining three monthly meetings would remain as they currently are.

Councilmember Seibert asked what would be the threshold for returning to the current schedule. Mayor Nehring thought that for the balance of the year things would probably not change. In January 2012 they can review the issue, but it can be changed back at any time if the Council is not comfortable with it.

Councilmember Rasmussen stated she would rather have the directors decide this on a month-by-month basis. She expressed concern about not being able to fully vet items that come up. Councilmember Seibert concurred. Councilmember Vaughan was supportive of the Mayor's proposal. Councilmember Stevens and Councilmember

Soriano concurred with Councilmember Rasmussen's suggestion to keep it on the schedule and cancel monthly as needed. Councilmember Vaughan thought that this might be confusing to the public. He felt it would be better to say that they do not anticipate having meetings on those Mondays for the rest of the year. Councilmember Phillips pointed out that if the administration feels there is something that needs to be addressed they can let the Council know about it in advance. Councilmember Seibert suggested trying it for a couple months.

CAO Hirashima added that they have implemented a longer-term agenda planner internally. This has helped staff identify when they have bigger items coming up.

There was consensus to try suspending the third Monday meetings unless otherwise notified. If after a few months it is not working they can change it back. Mayor Nehring reiterated that the larger, time-consuming items would be taken up on the second Monday of the month.

Additional Mayor's Business:

Mayor Nehring:

- Thanked the police department for a great Marysville University last week.
- There will be a ribbon cutting this Thursday at SeaMar Health Clinic on State Avenue at 2:10.
- He congratulated Grant Weed, Kevin Nielsen, Gloria Hirashima, and Al Aldrich of Strategies 360 for their work getting the water bill through.

Staff Business

Worth Norton had no comments.

Kevin Nielsen commented that more rain is expected this week. The ground is already extremely saturated so there is some concern about windy conditions.

Chief Smith:

- Thanked Wendy Wade for putting Marysville U together. He commended all of his staff for their excellent work on this.
- Police issued a search warrant at 10th Street Market. This was part of a long-term investigation that our detectives have been working on. He commended the work done by staff on this.
- Detectives also executed two additional search warrants for identify theft.
- The overlap shift is going very well still.
- He gave an update on the animal shelter issue. The strategy appears to be working.

Grant Weed stated that there is a medical marijuana bill that is still alive in the legislature. He gave an update on this. He stated the need for a 15-minute Executive Session to discuss real property with no action.

Gloria Hirashima:

- She congratulated everyone involved with the water bill.
- She commended the Police department on Marysville U.
- She informed Council that a decision has been made not to do a beer garden at Strawberry Festival this year.
- Regarding an article in *The Herald* about flood plain regulations, the City is looking at the requirements and the model ordinance. Staff has been attending workshops on FEMA requirements and they have a meeting with FEMA next week. We believe that our current regulations will meet the criteria for the most part.

Call on Councilmembers

Michael Stevens stated that Marysville U was great. He learned a lot and appreciated the presenters. It was nice to see so many citizens there too.

Carmen Rasmussen requested that the preliminary information about the 51st Street project be provided to Council. She reminded the Council that she would not be at the meeting next week and requested an excused absence.

Jeff Vaughan had no comments.

Donna Wright stated that it was great to see the room so full for Marysville U. They did a great job. She received a citizen request for a mobile speed monitoring sign near Jennings Park. She provided the address to Chief Smith.

Lee Phillips heard great things from citizens about Marysville U. He attended CERT training which was very good. It's good to see people getting involved with this. He requested an excused absence for last week.

John Soriano appreciated the approach of the presenters at Marysville U. This is one of the best Marysville U's that he has attended. Chief Smith also credited Doug Buell for his contributions to this.

Jeff Seibert congratulated everyone involved in the water bill. He stated that he received a letter from a citizen. Director Nielsen indicated he would respond.

Council recessed at 8:03 before reconvening at 8:08 in to Executive Session for 15 minutes to discuss one real property item with no action needed.

Executive Session

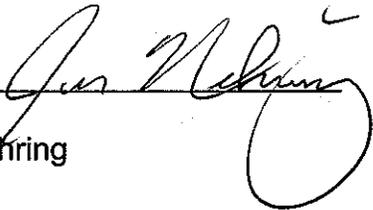
- A. Litigation
- B. Personnel

C. Real Estate – One real property item with no action needed pursuant to RCW 42.30.110 (1)(b).

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:23 p.m.

Approved this 25th day of April, 2011.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk