

# COUNCIL



# MINUTES

## **Work Session** *June 4, 2012*

### **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, Carmen Rasmussen, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

**Absent:** None

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Grant Weed, Chief Rick Smith, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Associate Planner Angela Gemmer, and Recording Secretary Laurie Hugdahl.

### **Committee Reports**

None

### **Approval of Minutes**

1. Approval of April 9, 2012, City Council Meeting Minutes.
2. Approval of May 29, 2012, City Council Meeting Minutes.

### **Consent**

3. Approval of May 23, 2012, Claims in the Amount of \$329,306.99; Paid by Check Number's 77311 through 77500.

4. Approval of May 30, 2012, Claims in the Amount of \$145,153.84; Paid by Check Number's 77501 through 77644 with Check Number's 75425 Voided.
5. Approval of May 18, 2012, Payroll in the Amount of \$793,639.98; Paid by Check Number's 25448 through 25501.

### **Review Bids**

6. Award the Bid for the 51st Avenue NE (84th Street NE to 88th Street NE) Contract to SRV Construction, Inc. in the Amount of \$1,402,637.03 Including Washington State Sales Tax and Approve a Management Reserve of \$100,000.00 for a Total Allocation of \$1,502,637.02.

Director Nielsen explained that SRV was the low bidder on the 51<sup>st</sup> Avenue NE job. He noted that the City did an interlocal agreement with the County to use this money to get the construction started. Councilmember Toyer asked when this project will be completed. Director Nielsen said it would be open by the start of school. Councilmember Muller asked about the rest of the landscaping. Director Nielsen stated that anything that anyone wanted has already been taken. Gloria Hirashima added that the public offering of those items was a big success. Mayor Nehring commented that it is good news to see this starting.

### **Public Hearings**

7. A Public Hearing Concerning Ordinances 2867 and 2882 Regarding Medical Marijuana Dispensaries, Collective Gardens, and the Licensing and Permitting Thereof (will be held June 11, 2012).

CAO Hirashima stated that this is a proposal for a one-year extension on the existing medical marijuana moratorium. The extension would enable the City to continue to monitor, work on, and regulate the opening of medical marijuana facilities in the City of Marysville through a moratorium. She explained that the medical marijuana laws continue to be in a state of uncertainty in the state of Washington.

Councilmember Seibert commented that the packet says staff is requesting a six-month extension. CAO Hirashima remarked that this would need to be corrected if it is not clear. Councilmember Toyer asked how long of a moratorium they could impose. Director Hirashima replied that one year is the longest amount of time. Councilmember Stevens asked how long they could keep extending the moratorium. City Attorney Grant Weed explained that there is not a standard in the law, but for other issues it has been extended for two or three years without having major legal issues when there is a reasonable basis.

## **New Business**

8. Professional Services Agreement with Osborn Consulting in the Amount of \$279,750 to Provide Consulting Services to the City for the North Marysville Regional Pond #2 Project.

Director Nielsen explained that this is for finalization of the design plans and bid specs for Pond #2. As the economy turns around, staff believes that Pond # 2 will be needed, not only for the Hayho area, but for the Smokey Point Master Plan.

9. Independent Contractor/Concessionaire Agreement with Rhonda Moen DBA Ice Cream Mom for Ice Cream Vending Services Effective June 30, 2012 through September 30, 2012.

Director Ballew explained that this would be for the outdoor events throughout the summer. Councilmember Wright thought that this was great, but wondered if this would require extra cleanup for the crews. Director Ballew said they have realized no impact with this particular type of scenario when they have sold hotdogs in the past.

10. Independent Contractor/Concessionaire Agreement with The Hillside Church for concessionaire services effective June 30, 2012 through December 31, 2012.

Director Ballew explained that this is the same type of agreement as item 9. He commented that it is nice that The Hillside Church provides healthy alternatives.

11. An Interim Ordinance of the City of Marysville, Washington, Adopting an Extension of a Moratorium on the Establishment of Medical Marijuana Dispensaries, Collective Gardens and the Licensing and the Permitting Thereof; Defining "Medical Marijuana Dispensary"; Referring the Matter to the Planning Commission for Review; Establishing an Effective Date; Amending Ordinances No. 2867 and 2882; and Providing that the Extended Moratorium will Expire Six (6) Months from the Date of Expiration of Ordinance No. 2882.

This is the ordinance for the extension of the moratorium. It was noted that the date of the extension needs to be clarified to be a one-year extension.

Carmen Rasmussen referred to the top of page 3 (11-4), under the first *Whereas*, and noted that the date needs to be inserted. The date for the public hearing on the same page also needs to be added.

Councilmember Toyer asked how other cities are approaching this issue. City Attorney Weed replied that the majority of cities are handling it as Marysville is, but they are doing it in different ways.

12. An Ordinance of the City of Marysville, Washington, Amending the City's Municipal Code and Development Regulations by Amending Sections 22C.160.140 and 22C.160.140 and 22C.160.160 of MMC Chapter 22C.160, Signs; Amending Section 22C.010.380 of MMC Chapter 22C.010, Residential Zones, Amending Section 22C.020.330 of MMC Chapter 22C.020, Commercial, Industrial, Recreation and Public Institutional Zones; Amending Sections 22C.010.060 and 22C.010.070 of MMC Chapter 22C.010, Residential Zones; Amending Section 22C.010.380 of MMC Chapter 22C.010, Residential Zones; Amending Section 22C.020.330 of MMC Chapter 22C.020, Commercial, Industrial, Recreation and 22C.010.070 of MMC Chapter 22C.010, Residential Zones; Amending Sections 22C.020.060 and 22C.020.070 of MMC Chapter 22C.020, Commercial, Industrial, Recreation and Public Institutional Zones; Amending Section 6.76.030 of MMC Chapter 6.76 Noise Regulation; Amending Section 22C.010.310 of MMC Chapter 22C.010 Residential Zones; Amending Section 22C.130.030 of MMC Chapter 22C.130 Parking and Loading; Amending Section 22C.180.020 of MMC Chapter 22C.180 Accessory Structures; Amending Section 22A.020.020 of MMC Chapter 22A.020 Definitions; Amending Section 22C.220.070 of MMC Section 22G.010.420 of MMC Chapter 22G.010 Land Use Application Procedures; and Amending Section 22A.010.160 of MMC Chapter 22A.010, General Administration, Related to Tracking Amendments to the City's Uniform Development Code.

Associate Planner Angela Gemmer reviewed each of the proposed changes as contained in Council's packet on pages 12-3 to 12-29.

13. An Ordinance of the City of Marysville, Washington, Relating to the City's Animal Control Regulations; and Adding a New Section 10.04.315 Chickens to MMC Chapter 10.04 Animal Control.

Associate Planner Gemmer reviewed the proposed standards to regulate the keeping of chickens. The proposed amendment would allow for reduced setbacks on chicken enclosures to allow for the keeping of chickens on smaller lots, would restrict roosters to lots that are greater than one acre in size, and provide other standards for the keeping of chickens in order to promote compatibility with adjacent residential uses.

There were mixed opinions about the number of chickens that should be allowed. Councilmember Muller noted that twelve chickens would produce about 60 eggs a week, which would be a lot for one family. He raised concerns about the amount of noise, mess, and smell associated with having that many chickens. He also felt that there should be some requirement for predator-proof enclosures to prevent a rodent problem. Councilmember Rasmussen commented that six chickens would be a reasonable limit for a family and would prevent some of those problems. Councilmember Muller agreed. He reviewed other cities' standards. CAO Hirashima explained that the Planning Commission had considerably modified what had been proposed by staff. The Planning Commission's general feeling on this was that the keeping of chickens should be opened up with as little regulation as possible. Councilmember Vaughan discussed his experience raising chickens. He spoke against

over-regulating the keeping of chickens in general. He also asserted that the rodent problem in the City is not tied to chickens; it is tied to dog food left out and food waste in the garbage, yard waste, and compost piles. He did not think the number of people who would actually start keeping chickens would be that high. Councilmember Toyer commented on his family's experience raising large numbers of chickens. He did not think twelve chickens would be a problem. Councilmember Rasmussen reiterated that she would be more comfortable with a six-chicken limit. It was noted that the enforcement would be complaint-driven on this issue.

#### 14. Change Order No. 3 for Municipal Court Emergency Roof Repair

Director Nielsen explained that the Department of Revenue is requiring sales tax on the bonds for this project as this project is closed out. The insurance company will be paying for it.

### **Legal**

#### **Mayor's Business**

- Congratulations to Kristi Guy and the Wellness Team for another Well City Award. They continue to do a terrific job with that.
- The Healthy Communities event over the weekend was a great event.
- He and Councilmember Wright attended a Scoop Jackson Centennial Celebration last Thursday which was very nicely done.
- As part of Economic Alliance Snohomish County, the board has put together a Snohomish Aerospace in Action Committee which met for the first time last Wednesday. This is designed to start preparing for the battle for the next generation 777X. Boeing has hinted that the decision will likely come in the next year to year and a half. The idea behind this is to keep the momentum rolling in this region by focusing on key related areas.
- The Relay for Life is this Saturday.

#### **Staff Business**

Sandy Langdon informed Council that the auditors are still at work.

Kevin Nielsen had no comments.

Rick Smith:

- He reported that the Torch Run for Special Olympics went well last week. He commended Patricia Duemmell for arranging this.
- The Burglary Strike Team has been very successful. In the last four weeks they have had over two dozen arrests. The NITE team, three patrol officers, detectives, and crime analysts are doing an outstanding job.
- The clean up of indigent camps on 116<sup>th</sup> has gone well. They have worked with Public Works, the Tribes, and the property owners to clean up the mess. Public

Works is still hard at work on this. Mayor Nehring commented that the burglaries and the 116<sup>th</sup> issue are both very significant issues. He thanked Police for their work on both of these and also Public Works for their work on the cleanup of the mess on 116<sup>th</sup>.

Grant Weed had no comments.

Gloria Hirashima:

- She echoed compliments to Police on the burglary efforts and Police and Public Works on the 116<sup>th</sup> issue. She acknowledged that this was a joint project. While the City is doing the bulk of the work, the Tribes are stepping forward for the disposal costs.
- She informed Council that BNSF is proposing a closure of 172<sup>nd</sup> Street for railroad work on June 6 and June 7. BNSF submitted permits to the City, the County and WSDOT. The City of Marysville denied the permit because of numerous concerns from Public Safety and the Lakewood School District (since school will still be in session), but was informed that BNSF will be closing the street anyway. BNSF has indicated that they will have detour signs up directing people. Director Nielsen reiterated that the City denied the right-of-way permit and requested that BNSF wait until school is over, which is only two weeks away, but BNSF refused. CAO Hirashima explained that the Fire department will stage additional personnel on the other side for public safety. This will require overtime for staff, and BNSF is not willing to pick up the additional cost of that. She stated that they will put out a press release to notify people to plan a detour route and to inform them that the City did try to address this with BNSF.

### **Call on Councilmembers**

Rob Toyer brought up an email from Carol Whitney with concerns about some overgrown grass in a right-of-way. Mayor Nehring said he received the email and responded to her. He noted that the care of the right-of-way has been switched from Parks to Public Works. This spot was not on their regular cycle, but is now. Director Nielsen requested that the email be forwarded on to him so he can follow up.

Steve Muller commented that the Healthy Communities event was well-attended and a big success.

Donna Wright:

- She saw a nice article in *AWC City Vision* about Mayor Nehring as well as the Mayor Joe Marine from Mukilteo and Mayor Dianne White from Stanwood. She commented that North Snohomish County was well represented in that issue.
- She enjoyed attending the events for Senator Jackson. She had the privilege of knowing him and his family. She recalled a humorous story about him and his influence even to this day, not only in this state, but around the world.

Jeff Seibert commented on the importance of the City's foresight to maintain rail access to the north end with the industrial district since Boeing and Aerocell are also utilizing tracks in that area.

Michael Stevens thanked Angela Gemmer for her hard work on the codes.

Carmen Rasmussen reported that the Healthy Communities Challenge Day was excellent and extremely well-attended.

Jeff Vaughan had no comments.

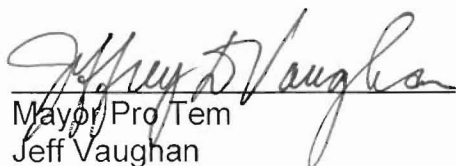
### **Executive Session**

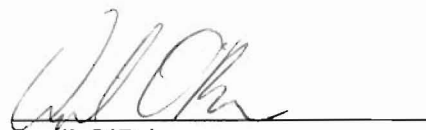
- A. Litigation
- B. Personnel
- C. Real Estate

### **Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 8:16 p.m.

Approved this 25<sup>th</sup> day of June, 2012.

  
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Mayor Pro Tem  
Jeff Vaughan

  
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April O'Brien  
Deputy City Clerk

