

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
Excuse the absence of Councilmember Wright.	Approved
<b>Approval of the Agenda</b>	Approved
<b>Committee Reports</b>	
<b>Audience Participation</b>	
<b>Presentation</b>	
Proclamation: Proclaiming October 14, 2016 as "Leadership Day"	Presented
Proclamation: Proclaiming May 14, 2016 as "Letter Carriers' Food Drive Day"	Presented
<b>Approval of Minutes</b>	
Consider the April 4, 2016 City Council Work Session Meeting Minutes	Approved
Consider the April 11, 2016 City Council Meeting Minutes	Approved
<b>Consent Agenda</b>	
Consider Approval of the April 20, 2016 Payroll in the Amount \$947,808.24; Paid by EFT Transactions and Check Number's 29833 through 29855	Approved
Consider Approval of the Nonexclusive Communication Site Sublease/License with the T-Mobile West LLC	Approved
Consider Adopting the Proposed Job Description for Wastewater Treatment Plant Supervisor, which Captures the Responsibilities, Knowledge, Skills, and Abilities Required to Perform the Duties of this Position and Place the Wastewater Treatment Plant Supervisor at Level M-4 on the Management Classification Grid	Approved
Consider Approval of the Final Plat of Rock Creek North Division 2, Phase 4.	Approved
Consider Approval of the Final Plat of Rock Creek North Division 2, Phase 5.	Approved
Consider Approval of the April 27, 2016 Claims in the Amount of \$743,626.58; Paid by EFT Transactions and Check Numbers 107737 through 107942 with Check Numbers 107097, 107155, 107324, 107413 & 107546 Voided	Approved
Consider Approval of the May 5, 2016 Payroll in the Amount of \$1,674,420.34, Paid by EFT Transactions and Check Numbers 29856 through 29890	Approved
Consider Approval of the April 20, 2016 Claims in the Amount of \$337,691.98; Paid by EFT Transactions and Check Numbers 107554 through 107736 with No Checks Voided.	Approved
<b>Review Bids</b>	
<b>Public Hearings</b>	
<b>New Business</b>	
Consider an Ordinance Amending Chapter 6.60 of the Municipal Code and Prohibiting the Discharge of Firearms	Failed
Consider a Resolution of the City Council of the City of Marysville, Washington, Providing for the Submission to the Voters of the City at the August 2, 2016, Primary Election, of a Proposition Authorizing a	Res. No. 2395 Approved

Sales and Use Tax at the Rate of One-Tenth of One Percent Pursuant to RCW 82.14.450 to be used for Criminal Justice Purposes	
<b>Legal</b>	
<b>Mayor's Business</b>	
Consider Appointment of AWC Delegates - Mayor Nehring, Councilmember Donna Wright, Councilmember Michael Stevens	Approved
Planning Commission Appointment: Brandon M. Whitaker	Approved
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Executive Session &amp; Closed Session</b>	8:47 p.m.
Litigation – One item concerning potential litigation, no action	
<b>Reconvened into public meeting</b>	8:50 p.m.
Action taken	Approved
<b>Adjournment</b>	8:50 p.m.

# COUNCIL



# MINUTES

## **Regular Meeting** May 9, 2016

### **Call to Order / Pledge of Allegiance**

Mayor Nehring called the meeting to order at 7:00 p.m. Kinder Smoots from EWDM 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

**Absent:** Donna Wright

**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 Greg McFalls, and Recording Secretary Laurie Hugdahl.

Finance Director Langdon noted that Councilmember Wright had requested an excused absence as she would be out of town this week.

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to excuse Councilmember Wright. **Motion** passed unanimously (6-0).

### **Approval of the Agenda**

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

## Committee Reports

Councilmember Seibert reviewed a field trip the Public Works Committee took to the biosolids site last Friday.

## Presentations

### A. Proclamation: Proclaiming October 14, 2016 as "Leadership Day"

Mayor Nehring read the Proclamation proclaiming October 14, 2016 as Leadership Day and recognizing the many contributions that Leadership Snohomish County has made in our community.

### B. Proclamation: Proclaiming May 14, 2016 as "Letter Carriers' Food Drive Day"

Mayor Nehring read the Proclamation proclaiming May 14, 2016 as Letter Carriers' Food Drive Day and urging all people in the City to join in the special observance.

## Audience Participation

Richard Bell, 9111 – 96<sup>th</sup> Street NE, Arlington, WA 98223, read and distributed a letter proposing the change of the name of Ingraham Blvd. to Charger Way since the U.S.S. Ingraham was deployed elsewhere at least two years ago. The Charger is the mascot of Marysville-Getchell High School. He explained that there is a precedent for this with other street names and high schools.

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

### 2. Consider the April 4, 2016 City Council Work Session Meeting Minutes

Councilmembers Muller and Norton indicated they were absent at the April 4 meeting and would be abstaining from the vote.

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to approve the April 4, 2016 City Council Work Session Meeting Minutes. **Motion** passed unanimously (4-0) with Councilmembers Muller and Norton abstaining.

### 3. Consider the April 11, 2016 City Council Meeting Minutes

Council President Norton referred to Council Procedures on page 4 of 9 under item 11, the second paragraph, and pointed out that "Council" should be "Voters".

**Motion** made by Council President Norton, seconded by Councilmember Muller, to approve the April 11, 2016 City Council Meeting Minutes as amended. **Motion** passed unanimously (6-0).

## Consent

4. Consider Approval of the April 20, 2016 Payroll in the Amount \$947,808.24; Paid by EFT Transactions and Check Number's 29833 through 29855
5. Consider Approval of the Nonexclusive Communication Site Sublease/License with the T-Mobile West LLC
6. Consider Adopting the Proposed Job Description for Wastewater Treatment Plant Supervisor, which Captures the Responsibilities, Knowledge, Skills, and Abilities Required to Perform the Duties of this Position and Place the Wastewater Treatment Plant Supervisor at Level M-4 on the Management Classification Grid
7. Consider Approval of the Final Plat of Rock Creek North Division 2, Phase 4.
8. Consider Approval of the Final Plat of Rock Creek North Division 2, Phase 5.
10. Consider Approval of the April 27, 2016 Claims in the Amount of \$743,626.58; Paid by EFT Transactions and Check Numbers 107737 through 107942 with Check Numbers 107097, 107155, 107324, 107413 & 107546 Voided
11. Consider Approval of the May 5, 2016 Payroll in the Amount of \$1,674,420.34, Paid by EFT Transactions and Check Numbers 29856 through 29890
15. Consider Approval of the April 20, 2016 Claims in the Amount of \$337,691.98; Paid by EFT Transactions and Check Numbers 107554 through 107736 with No Checks Voided.

**Motion** made by Councilmember Muller, seconded by Council President Norton, to approve Consent Agenda items 4-8 and 10-11 and 15. **Motion** passed unanimously (6-0).

### **Review Bids**

### **Public Hearings**

### **New Business**

9. Consider an Ordinance Amending Chapter 6.60 of the Municipal Code and Prohibiting the Discharge of Firearms

Councilmember Vaughan asked how this came about. Director Ballew explained that once hunting season started Parks received a lot of calls and complaints about the issue. Staff brought it forward in response to those citizen concerns.

Councilmember Muller asked if signage would be put up out there. Director Ballew replied that it would. Councilmember Muller asked if staff would send a letter to

homeowners letting them know about this change. Director Ballew replied that they would. CAO Hirashima pointed out that the intention previously was that there was a no hunting provision. This just clears up the language.

Council President Norton asked about the reason for banning all discharge as opposed to just banning hunting. City Attorney Walker replied that the more specific you make it the harder it is to prove. Council President Norton asked if this applies to air soft guns or BB guns. City Attorney Walker explained it does not because there is a specific definition of firearms.

Councilmember Vaughan commented that this has been going on in the area for decades. The nature of the area has changed because of the nature of the dike. Councilmember Vaughan asked if there have been any accidents or damage. Staff replied that there have not, but the neighbors were uncomfortable with the activity. Director Ballew commented that there is a safety issue with shooting out there. Councilmember Vaughan asked whose property the estuary is. Director Ballew stated it is owned by the Tribes, but the dike area around it is owned by the City of Marysville or private land owners. Councilmember Vaughan asked if there is some way to treat the estuary area differently. City Attorney Walker commented that they can't make the estuary a city park, but they could designate it a no hunting area even though this would make enforcement more difficult. Councilmember Vaughan asked how this would be enforced when police don't have a boat. Chief Smith commented that they do have the ability to wait for people to come back to shore. City Attorney Walker thought that simply signing the rules would have a dramatic effect. Councilmember Vaughan expressed concern about treating the whole city the same way just to address this area. Director Ballew commented that the City has put up many signs, but they frequently get shot down. He noted that the Tribes also do not want hunting to take place out there.

Councilmember Muller acknowledged that people used to hunt out there, but noted that things have changed since the density is greater now. He agrees that this is a public safety issue and should be on the books for the whole city. It doesn't stop someone from protecting themselves or the right to bear arms.

Councilmember Seibert explained that staff thought this was on the books already. This is just clarifying the original intention. Councilmember Vaughan expressed concern about the impact on other areas in the City. City Attorney Walker reviewed the current language and explained that the way it is written would make enforcement difficult.

Council President Norton asked if shooting in a public space is already illegal. City Attorney Walker replied it is not. The areas owned by the Tribes also would not be public spaces.

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to adopt Ordinance No. 3021. **Motion** failed (4-2) with Councilmembers Vaughan, Seibert, Toyer, and Norton voting against the motion and Councilmembers Stevens and Muller voting in support of the motion.

12. Consider a Resolution of the City Council of the City of Marysville, Washington, Providing for the Submission to the Voters of the City at the August 2, 2016, Primary Election, of a Proposition Authorizing a Sales and Use Tax at the Rate of One-Tenth of One Percent Pursuant to RCW 82.14.450 to be used for Criminal Justice Purposes

CAO Hirashima stated that Snohomish County approved their Public Safety tax measure to be placed on the August ballot at 0.2%. This Ordinance specifically identifies criminal justice purposes. They did not include fire. City Attorney Walker clarified that this resolution would just place the proposition on the ballot.

Councilmember Toyer asked about the projected revenue for the City of Marysville. Sandy Langdon replied it would be \$750,000 per year.

Councilmember Muller asked about voter education. Mayor Nehring commented that they can educate the public on the meaning of a ballot measure; they just can't take a stand on it one way or another. City Attorney Walker clarified that the Council could take a stand as long as it is advertised and done in an open public meeting. CAO Hirashima commented they could put out a fact sheet and have information on the website like they did with the TBD Board.

Councilmember Vaughan noted that the TBD Board was different because it spelled out what the problem was and why additional funding was needed. He commented that they don't have similar data related to this. He expressed concern from a strategy standpoint about having both on the ballot at the same time.

Councilmember Seibert explained the benefit from his perspective of having this on the ballot at the same time as the county's measure.

Councilmember Muller asked how they could get out of this if they wanted to. City Attorney Walker thought it could be repealed, but he wasn't sure if it had to be done by Council or the voters. Councilmember Muller asked about creating a project plan for this. CAO Hirashima replied that they could do that once the Council approves the Resolution if the voters approve it. She noted there can be a review process.

Councilmember Vaughan stated he would be more likely to support this if there was a built-in sunset and specific projects that it would be used for.

Councilmember Seibert asked about the timeline for getting something on the ballot at the same time as the county. Finance Director Langdon replied it is Friday. Councilmember Seibert asked if they could change their mind once they filed. Staff did not think so. Councilmember Seibert agreed that further diligence needs to be done, but he thinks that can be done between now and the election. He stated he would not want to miss the opportunity to get this on at the same time as the County's measure.

Councilmember Toyer said he would be more comfortable with specific projects.

Council President Norton asked how much it would cost to get it on the ballot. Finance Director Langdon replied it would be \$18-35,000. Council President Norton also had similar reservations about the vagueness of the wording. She would like to see more specifics about what the money is going toward. As far as strategy, it is difficult to know the best way to go. She commented on impacts to other groups in the community.

Councilmember Vaughan asked about potentially running this at a later election. Finance Director Langdon noted they could put it on any of the upcoming elections.

Councilmember Muller spoke in support of doing this now and putting together a nice package for the public to support. He thinks it is worth putting it out there. He has confidence that the Council will do what is best for the City.

City Attorney Walker explained they could put together a project list as long as at least one-third of the revenue goes to criminal justice purposes.

Mayor Nehring commented on major funding needs that the City has (Fire Department, jail, and waterfront development) and noted that at some point they will have to send something to the voters in order to accomplish all that they need to do.

Councilmember Vaughan stated he completely understands the need and that those projects are major priorities. He stated that the Council is behind those projects, but he is concerned that running both of these at the same time will ultimately work against what they are trying to do. He agreed with Councilmember Muller that the Council will do the right thing, but he doesn't want to create a perception that is incorrect about the Council. Additionally, if the County measure passes, the City would still receive some significant revenue.

CAO Hirashima commented that the measure creates some uncertainty going forward in terms of timing. It is not known what impact the County's measure will have on the City's options. Staff feels that a sales tax option is potentially more attractive than looking at multiple property tax and bonding measures. She stated there is likely going to be some combination of councilmatic and a voted bond in order to support the City's growth over the next 30 years.

Council President Norton commented that in general people have a desire for increased law enforcement.

Chief Smith commented that Marysville does more with less than anyplace else in the state. The City's growth needs to be addressed. He agreed that the Council has to make a difficult decision, but noted that the service Marysville provides is greater than any other city around. As for a strategy, the County has good information available out there.

**Motion** made by Councilmember Muller, seconded by Councilmember Stevens, to adopt Resolution No. 2395. **Motion** passed (4-2) with Councilmembers Vaughan and Toyer voting against the motion.



## Legal

### Mayor's Business

#### 13. Consider Appointment of AWC Delegates

**Motion** made by Councilmember Seibert , seconded by Councilmember Muller, to appoint Mayor Nehring, Councilmember Wright, and Councilmember Stevens as AWC Delegates. **Motion** passed unanimously (6-0).

#### 14. Planning Commission Appointment: Brandon M. Whitaker

Community Development Director Koenig reviewed Mr. Whitaker's background and experience.

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to appoint Brandon Whitaker to the Planning Commission. **Motion** passed unanimously (6-0).

#### Other Mayor's Business:

- Thanks to Parks for another wonderful Fishing Derby. It was a beautiful morning. Thanks to the Kiwanis for the great breakfast.
- Thanks to staff for putting together the volunteer appreciation event and thanks to Council for attending.

### Staff Business

#### Chief Smith:

- Friday May 20 is the Law Enforcement Memorial Day at the library.
- Police have the opportunity to use a training platform to go through Shoot/Don't Shoot training. If the Council would like to experience it, it would provide a valuable perspective. There may be an opportunity for other community members to attend the training as well.

Sandy Langdon commented that Utilities is continuing to make every effort to contact customers so they don't have to shut water off. They are down to about ten a week.

Jon Walker stated the need for an Executive Session to discuss potential litigation with no action expected for three minutes followed by a Closed Session to discuss contract negotiations and a bargaining item with action expected.

#### Gloria Hirashima:

- She spent Thursday and Friday at the Fire Operations Center. It was a good opportunity to gain insight to what they do and get to know the firefighters. She appreciates their help.

- The Parks, Culture, and Recreation Department was recognized today for all the great work they have been doing.
- American Red Cross organized a smoke alarm installation in Marysville last Saturday. Smoke alarms were installed at Mobile Manor and Emerald Hills Mobile Park.

Kevin Nielsen:

- He gave an update on the WSDOT schedule noting that they were striping today, and the ramp should be open tomorrow.
- Thanks to everyone for attending the biosolids field trip. He hopes to take Council to the filtration plant in June.
- The weather report is beautiful for the rest of the week.

Jim Ballew:

- The Fishing Derby had about 600 people in attendance. It was very warm so the fish stopped biting after about 9:30 a.m. He thanked the Everett Salmon and Steelhead Group who provides the poles and bait and provides instruction for the kids and families who participate. Kiwanis also did a fabulous job with breakfast.
- Staff is getting ready for many summer activities.
- There will be no Parks Board meeting this week.
- Thanks to Mayor and CAO Hirashima for the recognition Parks received. Staff feels very appreciated.

Chief McFalls:

- All the joint training sessions are scheduled with police.
- Sgt. Rick Sparr and fire crews are going to be doing a lot of lunch buddy activities with elementary and possibly middle schools.
- Thanks to Gloria Hirashima for spending the time with the Fire Department.
- Thanks also to the Council for support.

Dave Koenig:

- At the Planning Commission meeting tomorrow night they will receive information about transportation projects and the Lakewood Plan.
- He referred to an issue with a lot on Grove Street and noted that there has been a complaint on that and a letter went out last Monday. The City will continue to work with the property owner.

### **Call on Councilmembers**

Jeff Vaughan said he appreciates the many years that the Fishing Derby has been running. He recounted his family's many years of participation in the event.

Jeff Seibert:

- He asked about the times available for the training sessions. Chief Smith replied they would be training until 9 p.m.
- He stated he would not be in favor of changing the name of Ingraham Blvd.

- He asked about campers in the area north of Haggen's. Director Koenig explained code enforcement has been out there and they are looking at options available to the City. He clarified that this is private property and the owner is allowing people to camp there. Police are monitoring it, but it is still a concern of the neighborhood.

Michael Stevens had no comments.

Rob Toyer had no comments.

Steve Muller:

- The Public Works tour was awesome.
- The Fishing Derby was also great.
- This Saturday there will be a chili cook-off at the town hall museum.

Kamille Norton had no comments.

### **Adjournment**

Council recessed from 8:47 p.m. to 8:50 p.m. then reconvened in executive session to discuss potential litigation with no action expected and then went immediately into to a closed session for a total of three minutes.

### **Executive Session**

- A. Litigation - Per RCW 42.30.110(1)(i)
- B. Personnel
- C. Real Estate

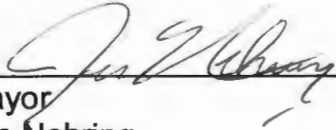
Executive and closed sessions ended and public meeting reconvened at 8:50 p.m.

Council went into a closed session under RCW 42.30.140 (4) to discuss contract negotiations/collective bargaining.

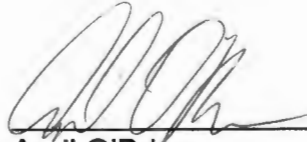
**Motion** made by Councilmember Toyer, seconded by Councilmember Seibert, to authorize the Mayor to sign the agreement regarding seasonal employees. **Motion** passed unanimously (6-0).

Seeing no further business Mayor Nehring adjourned the meeting at 8:50 p.m.

Approved this 13 day of June, 2016.



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Mayor  
Jon Nehring



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April O'Brien  
Deputy City Clerk