



**Work Session**  
September 6, 2016

**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, 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.

Mayor Nehring pointed out there was an item on the agenda under Action Consent where staff is requesting that the Council waive its normal work session rules in order to take action on that item.

**Motion** made by Councilmember Toyer, seconded by Councilmember Wright, to approve the agenda with the addition of waiving normal work session rules for potential action on item 5. **Motion** passed unanimously (7-0).

**Committee Reports**

Jeff Seibert reported on the September 4 **Public Works Committee** meeting where they received a Water Comp Plan Update which is ongoing and close to being finished. They also received an update on the Cedarcrest Reservoir Lift Replacement. There was an update on rates. Jurisdictions east of the Snohomish will get a filter increase of 3.5%.

The Water Supply Operational Strategy is in the Council's packet tonight. They also received information on the need for the Cedarcrest Booster Pump Station. There was discussion on the low impact development code update which will be coming to the Council in October or November. There was a brief presentation on Housing Hope requesting a discount on traffic mitigation fees.

## **Presentations**

## **Discussion Items**

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

1. Consider the July 14, 2016 City Council Retreat Minutes
2. Consider the July 15, 2016 City Council Retreat Minutes
3. Consider the July 25, 2016 City Council Meeting Minutes
4. Consider the August 3, 2016 City Council Special Meeting Minutes

## **Action Consent Items**

5. Consider Approval of the July 27, 2016 Claims in the Amount of \$538,323.76; Paid by EFT Transactions and Check Numbers 109909 through 110085 with No Checks Voided

**Motion** made by Councilmember Norton, seconded by Councilmember Muller, to approve Consent Agenda Item No. 5. **Motion** passed unanimously (7-0).

## **Consent Items**

6. Consider Approval of the August 3, 2016 Claims in the Amount of \$1,634,948.35; Paid by EFT Transactions and Check Numbers 110086 through 110238 with Check Numbers 103599, 108255 and 109183 Voided
7. Consider Approval of the August 10, 2016 Claims in the Amount of \$736,571.55; Paid by EFT Transactions and Check Numbers 110239 through 110372 with Check Numbers 92078, 98181, 102423, 103462, 106487 and 110140 Voided
8. Consider Approval of the August 17, 2016 Claims in the Amount of \$675,480.41; Paid by EFT Transactions and Check Numbers 110373 through 110563 with Check Numbers 99952, 109165, 109915, 110107 and 110281 Voided
9. Consider Approval of the August 24, 2016 Claims in the Amount of \$629,460.06; Paid by EFT Transactions and Check Numbers 110564 through 110780 with Check Numbers 103903 and 110224 Voided

10. Consider Approval of the August 5, 2016 Payroll in the Amount of \$1,703,919.93; Paid by EFT Transactions and Check Numbers 30119 through 30159
11. Consider Approval of the August 19, 2016 Payroll in the Amount of \$937,137.29; Paid by EFT Transactions and Check Numbers 30160 through 30195

### **Review Bids**

12. Consider Awarding the 3rd Street Low Impact Development and Roadway Improvement Project

Jeff Laycock stated there was a bid opening last Thursday for the 3<sup>rd</sup> Street LID project, and eight bids were received. SRV Construction was the low bidder and came in right around the Engineers Estimate. He explained that the project is partially funded by the Department of Ecology through their Stormwater Grant Program.

### **Public Hearings**

13. Consider the Program Year 2015 Consolidated Annual Performance and Evaluation Report and Direct Staff to Provide a Summary of, and Response to any Comments received during the Public Hearing into the Report, and forward to the U.S. Department of Housing and Urban Development (Public Hearing will be Held September 12, 2016)

Amy Hess stated that as a recipient of the Community Development Block Grant funds, the City is required to complete a Consolidated Annual Performance Evaluation Report (CAPER). She explained that basically all of the sub-recipients that received funds were able to meet or exceed their goals. The SR 528 pedestrian crossing has been a little delayed as they are working with WSDOT to sign off on permitting. Additionally, the City had allocated funds to a revolving loan program, but this did not happen because of the staffing needs required to do that. As a result, some of the funds were reallocated to the SR 528 project and the rest were reallocated to the Homeless Housing Allocation Fund.

### **New Business**

14. Consider the 2017 Transportation Benefit District Projects

City Engineer Jeff Laycock gave an update on 2017 Transportation Benefit District Projects. He noted that there is \$1,990,000 available in estimated funds for 2017 through the TBD. \$200,000 is for payback of 2014 projects. \$1.4 million is planned for overlays, and \$300,000 for sidewalk projects. He reviewed the proposed projects and other funding sources. Mayor Nehring noted that a few projects shifted to September due to BNSF permit issues. City Engineer Laycock affirmed this.

15. Consider the Professional Services Agreement with RH2 Engineering, Inc. to Prepare a Water Supply Operational Strategy in the Amount of 215,863.00

City Engineer Laycock explained that this is a PSA with RH2 for ongoing work to streamline the City's water system.

16. Consider Accepting the Electrical Maintenance Assessment Project with Preferred Electric, Inc., Starting the 45-day Lien Filing Period for Project Closeout

City Engineer Laycock stated that the work for the project has been found to be complete.

17. Consider the Purchase of the Soper Hill Pump Replacement in the Amount of \$65,518.02 from APSCO, LLC

City Engineer Laycock stated that this allows for the purchase of another pump in case of operational downtime.

18. Consider the Interlocal Agreement with the City of Anacortes for Outdoor Video Services

Director Ballew stated that this service already happened so this is basically a housekeeping measure. The film went great. He added that the City also received a request from the City of Kenmore who wants to do the same thing.

19. Consider the Proposed Agreements with the Everett Gospel Mission for MESH2 and MESH3 Housing

CAO Hirashima stated that the City has prepared two agreements between the City and Everett Gospel Mission to identify two more shelter homes, MESH2 and MESH3 (Marysville Extended Shelter Home). The first one (MESH1) was started in April and has been successful. It is expected that these homes will be available through April of 2018. The City is proposing to use them for transitional housing and a men's home. The City will be working with the faith community to sponsor the houses.

Dan Hazen distributed handouts. He stated that MESH1 has been a real success from everyone's point of view. The property is in great repair and well-maintained. The residents have established relationships with the neighbors. Chief Smith has indicated there have not been any incidents there. All three residents have made progress on their individual stories. Regarding MESH2 and 3, Everett Gospel Mission is preparing to stage the furnishings. MESH2 will be for a single mom and two teenage kids, and MESH3 will be for adult men. They are still looking for sponsors for various parts of each home. He mentioned that program goals are to furnish MESH2 and MESH3, find more apprentice house parents, and find more sustainable properties.

Mayor Nehring thanked Dan Hazen and all those who have contributed so much. He also recognized Judd and Black, MPOA, several local churches, individuals, and social service organizations. He reported that Congressman Rick Larsen visited MESH1, was impressed with the program, and had commented on its potential for success. Mayor

Nehring stated that this is a great partnership between the City and other entities. He expressed appreciation to all those who are part of this effort.

20. Consider a Resolution Announcing the Retirement of K9 Police Dog Katy and therefore declaring the K9 Police Dog Katy to be Surplus and Authorizing the Sale of the K9 Police Dog Katy

Chief Smith stated that Police Dog Katy is retiring. The police are looking for approval of the retirement and approval of the dog going to Brad Smith.

21. Consider a Resolution Declaring Certain Electronic Equipment of Personal Property to be Surplus and Authorizing the Sale or Disposal thereof

Worth Norton explained that this is for surplus electronics.

22. Consider a Resolution Declaring Certain Bianchi Bicycles of Personal Property to be Surplus and Authorizing the Sale or Disposal thereof

Chief Smith stated that both 22 and 23 are two sets of bikes that are non-serviceable and no longer of use.

23. Consider a Resolution Declaring Certain Mercedes Benz Bicycles of Personal Property to be Surplus and Authorizing the Sale or Disposal thereof
24. Consider an Ordinance Adopting a Complete Streets Policy, Making Complete Street Practices a Routine Consideration for Transportation Projects as an Opportunity to Improve Public Streets for All Anticipated Users including but not Limited to Motorists, Pedestrians, Bicyclists, Public Transportation, Emergency Vehicles, and Freight and Commercial Vehicles

Jeff Laycock explained that Complete Streets is the new lingo being used which means the City is engaging in bicycle lanes and sidewalks, building roadways to accommodate buses. The language is already in the Comprehensive Plan. The Ordinance indicates that the City supports the policy so it can be eligible for future grant awards. The requirement for the grant is that the policy be adopted via an ordinance.

25. Consider an Ordinance Relating to the Expiration of Subdivisions, Short Subdivisions and Binding Site Plans, Amending Sections 22G.090.170, 22G.090.380, 22G.100.120 and 22A.010.160 of the Marysville Municipal Code

Community Development Director Dave Koenig explained that this is an ordinance that would extend by two years the expiration date of subdivisions, short subdivisions and binding site plans that could expire. This would affect 11 plats that have been approved in the city and represents 461 lots. The condition is that they meet current standards for wetlands, setbacks, and subdivision standards. The Planning Commission has reviewed this and is recommending approval.

## **Legal**

### **Mayor's Business**

26. Planning Commission Reappointment: Jerry Andes

#### **Other:**

- Mayor Nehring stated that 9/11 falls on a Sunday. The annual remembrance will be held at 8:30 in the morning. Mayor Nehring will be out of town so Councilmember Norton has agreed to chair the meeting next week.
- He congratulated Councilmember Stevens for achieving his Advanced Certificate for Municipal Leadership through AWC.

### **Staff Business**

Sandy Langdon welcomed everyone back.

Jeff Laycock had no comments.

Worth Norton had no comments.

Dave Koenig had no comments.

#### **Chief Smith:**

- He announced that crime without theft since 2013 is down almost 30%. From 2014 crime is down 26%. This is phenomenal. He credited the entire city for its approach to strategically addressing crime.
- There will be a Public Safety Committee meeting this week where Jim Ballew and City Attorney Walker will be present to provide some insights on a couple of issues.
- Corporal testing for the jail happened over the break. Kristie Guy and Marcia Kelley did a phenomenal job. Six people presented themselves in front of the board. Most of them were very impressive. Chief interviews will be happening soon.
- Police are looking for new dual-purpose dogs that are able to be used for both tracking and drugs. Everyone is working hard, and he is excited about getting new dogs.

#### **Chief McFalls:**

- The 9/11 event starts at 8:30 a.m. until about 9:30. There will be breakfast immediately following at the station until early afternoon.
- He invited everyone to the Fire Service Awards Banquet on September 21 where they will be serving burgers and hotdogs starting at 6 p.m.

#### **Jim Ballew:**

- Touch-a-Truck will be happening this weekend from 10-1.
- Jennings Dinosaur Park opened last week. Staff did a great job on the park.
- The Spray Park is officially closed, but may re-open if the weather hits 80 degrees.
- This was a great summer, but was shorter than usual. Staff did a great job with maintenance.
- Staff is preparing for fall by taking down some potentially dangerous trees.

Jon Walker stated the need for an Executive Session to discuss six items concerning acquisition of real estate with action expected, and two items regarding sale or lease of real estate with action expected on one item. CAO Hirashima estimated they would need 12 minutes for the Executive Session.

Gloria Hirashima distributed two items of correspondence the City received during the break. The first item was a response from Fire District 12 identifying a resolution they had adopted which stated conditions that they established. The other item of correspondence was from North County Fire District asking to be included in the discussions for the RFA.

Councilmember Vaughan asked what would happen if the Council did not agree with any of the conditions in the resolution adopted by Fire District 12. CAO Hirashima thought the City would need to respond back if there are items of concern. City Attorney Walker concurred. Councilmember Vaughan expressed concerns about the conditional response. He would prefer to go into this in good faith rather than placing conditions.

Councilmember Muller recalled that the original agreement was that the City would enter into an agreement with Arlington, and Fire District 12 would be asked to participate.

Councilmember Vaughan stated that he believes that forming the RFA and what the City does with the Fire District as far as a contract are two separate issues. He disagreed with putting it all together in this document. He said he wants it to be clear that this is not a binding document. City Attorney Walker commented that the only thing that may require a response is the last item regarding sharing costs of the facilitator; the others are just statements.

Councilmember Stevens said he thinks item 6 should be a sub-point of 5. He thinks the rest of the items are just suggestions of ideas. The extension of the terms is kind of what the City asked them to do.

Councilmember Norton stated that she thinks the City needs to be able to review the terms and conditions of the ILA before agreeing to extend it.

Councilmember Toyer recommended not reading too much into this resolution.

Councilmember Stevens asked about current deadlines. He agreed with Councilmember Toyer that these are basically suggestions to be considered at the committee level.

CAO Hirashima said that the motion was that September 15 was the deadline for the Fire District to respond so they have done that. She stated that the City could respond that the City has received the Fire District's agreement to participate, but clarify that the exact terms will be discussed.

There was consensus that acceptance of the Fire District as a participant in the RFA should be addressed as a separate issue from the extension of the ILA. City Attorney Walker noted that it would take action by both of the governing boards if an extension is desired. CAO Hirashima agreed that the ILA would need to come back for discussion before any action is taken on that. There was a request for clarification of dates. CAO Hirashima noted that September 30 is the deadline for establishing the funding formula.

Chief McFalls noted that the Fire District was concerned about whether or not Arlington wanted them to participate since Arlington didn't mention it in their letter.

There was consensus to have staff compose a draft response for next week.

CAO Hirashima noted that Arlington has already decided its planning committee members; Marysville will need to select its participants.

As a Fire Board Member Councilmember Stevens expressed an interest in being part of the committee. He stated he wanted to serve last time, but was absent the night the committee was developed.

Councilmember Seibert recommended continuing the members of the RFA committee.

Council President Norton also spoke in support of reinstating the members of the RFA committee due to the fact that they are not Fire Board members.

Councilmember Vaughan noted that part of the reasoning for having non-fire board members on the RFA committees was to involve more councilmembers. He spoke in support of continuing with the existing RFA committee members.

Councilmember Wright said she thought the RFA committee members were doing a good job, but she recommended more communication with the board members about what was going on.

Council President Norton commented on the value of keeping the Fire Board separate from the RFA process.

Councilmember Muller said he would like to be involved in this since he has been involved with it since the beginning.



Councilmember Stevens commented that nearly all the information that the Fire Board members received was from the Fire Board commissioners rather than from the City Council. He thinks that one of the Fire Board members could add value to the process due to their experience and engagement with the Fire Board.

Councilmember Muller stated that history is important, but they are also creating a new thing going forward. He thinks it is healthy to have outside eyes looking at the issue. Councilmember Stevens agreed that having a variety of experience levels is a good thing to bring to the table.

Councilmember Stevens reiterated the concern about the lack of communication that happened in the past.

CAO Hirashima suggested making sure meeting minutes are taken and distributed. Councilmember Vaughan noted that minutes were generated at those meetings. He added that they were also public meetings so any councilmembers could attend.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Seibert, to suspend the normal Council rules in order to take action on this item tonight. **Motion** passed 6-1 with Councilmember Toyer voting against the motion.

**Motion** made by Councilmember Seibert, seconded by Councilmember Vaughan, to reactivate the prior RFA committee members: Vaughan, Seibert, and Muller. **Motion** passed 6-1 with Councilmember Stevens voting against the motion.

### **Call on Councilmembers**

Rob Toyer had no comments.

Michael Stevens:

- He said he attended Municipal Budgeting Official Fiscal Management Workshop through the AWC last month where Finance Director Sandy Langdon was repeatedly acknowledged and praised. He thanked her for representing the City well.
- He suggested looking into design guidelines to have a review process to keep downtown storefront windows on the street the way that the City intended.
- He announced that he and his wife are expecting their fifth child in the spring.

Jeff Vaughan said he travelled recently to New York City and got a new appreciation for the role that parks and open spaces play in an urban environment. He reflected on highlights of his trip. The High Line Park, which is a mile-long park above the city, was impressive. It was also interesting that the best public restroom was in a city park which had city employees as restroom stewards. He also commented on the shift in demographics in New York City and noted that the same thing is happening in Marysville. He suggested reflecting on what they might need to keep in mind for the future.

Jeff Seibert asked about regulations for things like Uber and Air B&Bs. Director Koenig stated that when they looked at this matter there were two Air B&Bs operating in Marysville. One was paying a Hotel Motel tax. He noted that Uber does come up to Marysville. Councilmember Seibert asked if Uber has a business license in the City. He also asked if drivers have to go through background checks. Director Koenig replied they did not. He said King County was looking at licensing them, but Snohomish County does not license them nor do any of the cities Snohomish County. Councilmember Seibert discussed a negative experience he had with Uber over the weekend and recommended looking into licensing requirements.

Donna Wright said she is glad to be back and looking forward to working again.

Steve Muller said he had a great vacation but it's good to be back.

Kamille Norton stated that it is good to be back. She noted that school starts soon and urged caution in school zones.

Michael Stevens commented that the school district is hosting symposiums to ask the community for comments about the failed school bond measure last spring.

## **Adjournment**

The meeting adjourned at 8:36 p.m. before reconvening at 8:47 p.m. for a 12-minute Executive Session to discuss six items concerning acquisition of real estate with action expected, and two items regarding sale or lease of real estate with action expected on one item.

## **Executive Session**

- A. Litigation – RCW 42.30.110(1)(i), one item with no action expected.
- B. Personnel
- C. Real Estate – RCW 42.30.110(1)(b), six items with action expected and RCW 42.30.110(1)(c), two items with action expected on one.

Executive session ended and public meeting reconvened at 8:59.

**Motion** made by Councilmember Norton, seconded by Councilmember Muller, to authorize the Mayor sign the construction easement by Shane and Diana Murphy for Marshall Elementary Safe Routes to School Project. **Motion** passed unanimously (7-0).

**Motion** made by Councilmember Wright, seconded by Councilmember Toyer, to authorize the Mayor to sign the settlement agreement with Rudy and Courtney Ellwayer for the Sunnyside Safe Routes to School Project. **Motion** passed unanimously (7-0).

**Motion** made by Councilmember Wright, seconded by Councilmember Toyer, to authorize the Mayor to sign the settlement agreement with Amanda Melang and Shay Barber for the Sunnyside Safe Routes to School Project. **Motion** passed unanimously (7-0).

**Motion** made by Councilmember Wright, seconded by Councilmember Toyer, to authorize the Mayor to sign the settlement agreement with Sherwood and Linda Hall for the Sunnyside Safe Routes to School Project. **Motion** passed unanimously (7-0).

**Motion** made by Councilmember Wright, seconded by Councilmember Toyer, to authorize the Mayor to sign the settlement agreement with Marvin and Kimberly Anderson for the Sunnyside Safe Routes to School Project. **Motion** passed unanimously (7-0).

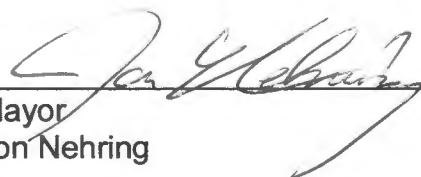
**Motion** made by Councilmember Muller, seconded by Councilmember Norton, to authorize the Mayor to sign the Purchase and Sale agreements with JJ Fraser Properties for Parcels 005511-008-005-00 and 005511-008-006-01 in the amount of \$770,000. Motion passed unanimously (7-0).

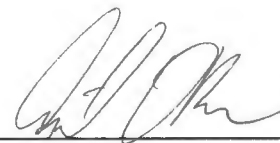
**Motion** made by Councilmember Muller, seconded by Councilmember Norton to authorize the Mayor to sign the lease agreement with Berean Baptist Church. Motion passed unanimously (7-0).

### **Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 8:59 p.m.

Approved this 10 day of October, 2016.

  
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Mayor  
Jon Nehring

  
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April O'Brien  
Deputy City Clerk