

Work Session
April 1, 2013

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, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

Absent: Kamille Norton

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Chief Smith, City Attorney Thom Graafstra, Public Works Director Kevin Nielsen, Planning Manager Chris Holland, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Motion made by Councilmember Wright, seconded by Councilmember Muller, to excuse Councilmember Norton's absence. **Motion** passed unanimously (6-0).

Committee Reports

Councilmember Wright reported on the Public Safety Committee which was held last Wednesday:

- Commander Goldman's department adopted a motto: *Respect, Support, and Dignity.*
- Lt. Thomas reported on the neighborhood watch which is going well. There is a new person who has stepped forward and is willing to head the program and is putting together starter kits.
- There was a report on Operations staffing. Commander Wade discussed changes that are being made and how people are moving around in roles within the department in order to cross train.

- A SODO report will be coming to Council soon.

Presentations

Approval of Minutes

1. Approval of the March 18, 2013 City Council Meeting Minutes.

Consent

2. Approval of the March 20, 2013 Claims in the Amount of \$495,477.49; Paid by Check Number's 83334 through 83552 with Check Number's 75462 and 82120 Voided.
3. Approval of the March 27, 2013 Claims in the Amount of \$235,000.79; Paid by Check Number's 83553 through 83667 with No Check's Number's Voided.

Review Bids

Public Hearings (to be held on April 8, 2013)

Community Development Block Grant DRAFT Program Year (PY) 21013 Annual Action Plan (AAP). (Reference item 8)

Planning Manager Chris Holland explained that this is the Program Year 2013 Annual Action Plan for the CDBG Program. It has taken the projects that Council approved in December and put those into the AAP with all the goals. Staff is anticipating \$218,000 in funds for Program Year 2013, but staff will notify Council if that number shrinks significantly. Staff was able to add maps this year on the AAP to show where the projects are. No comments have been received through the whole comment period.

Councilmember Toyer asked when they would find out the final funding amount. Chris Holland was not sure since the City was not given a deadline.

New Business

4. Total Health Events to Conduct a Special Event on Sunday, April 28, 2013, Including the Street Closure of Southbound Alder Avenue, South of 2nd Street, and Northbound SR529 South of 2nd Street, as Requested by the Applicant.

CAO Hirashima explained that this is related to the Heroes Half-Marathon which requires some street closures. There were no comments or questions.

5. Two Quit Claim Deeds Accepting Ownership of the Stormwater Facility Tracks within the Rakestraw Subdivision.

Director Nielsen stated that these two Quit Claim Deeds are for the subdivision of Rakestraw. This was a pilot program to see how labor intensive it would be to take over a stormwater facility in a neighborhood. This was a very active HOA one of the best test cases they could come up with.

6. Professional Services Agreement between the City of Marysville and Murray, Smith and Associates, Inc.

Director Nielsen stated that this is to perfect the water sources for the two Sunnyside Wells and the Highway 9 well. This will provide the City with other options for obtaining water. There were no comments or questions.

7. Interlocal Agreement between the City of Granite Falls, and the City of Marysville for Outdoor Video Services.

Parks and Recreation Director Ballew stated that this is a renewal agreement for outdoor video services for the City of Granite Falls. Granite Falls will be showing three films; Marysville will be providing equipment and staff.

8. Approve the CDBG PY2013 AAP, as Recommended by the CAC on March 5, 2013; Provide a Summary of, and Response to Any Comments Received During the Public Hearing into the PY2013 AAP, and Direct Staff to Forward the PY2013 to the U.S. Department of Housing and Urban Development.

Reviewed above under *Public Hearings*.

9. An **Ordinance** of the City of Marysville, Washington, Amending the City's Municipal Code and Development Regulations By Amending MMC Chapter 22C.060, Smokey Point Master Plan Area – Design Requirements, By Amending Chapter 9, Design Guidelines, of the Smokey Point Master Plan; and Amending Section 22A.010.160 of MMC Chapter 22A.010, General Administration, Related to Tracking Amendments to the City's Uniform Development Code.

Chris Holland stated that staff looked at several industrial parks in the area to compare design standards. Staff is recommending strengthening design standards in order to get a higher quality of architectural design and more cohesion of development in the Smokey Point Master Plan. There were no comments or questions.

10. An **Ordinance** of the City of Marysville, Washington, Amending the City's Land Use Standards Repealing the Current Temporary Use Provisions Outlined in MMC Chapter 22C.110, Adopting a New MMC Chapter 22C.110, Temporary Uses, Amending the General Fee Structure in MMC 22G.030.020, and Amending Section 22A.010.160 of MMC Chapter 22A.010, General Administration, Related to Tracking Amendments to the City's Uniform Development Code.

Chris Holland explained that this relates to the Transitory Accommodations Code which is a portion of the Temporary Use Section of the Marysville Municipal Code. In 2010 the legislature passed some rules and regulations that allow religious organizations to open what is commonly known as *tent cities*. It also prohibits cities from disallow them. Cities are allowed to develop rules and regulations to provide public health and safety protections for our communities. Staff reviewed a lot of tent city or transitory accommodation codes; the one being proposed was modeled mainly after Bothell's code. This code puts a lot of protections in place for the citizens to ensure that this would be a compatible use. One of the highlights is that there is a cap of 90 days per calendar year for any religious organization. It doesn't only apply to religious organizations; it would also apply to other property owners if they want to host the same thing. There would be no discrepancy in the rules between religious organizations and private property owners.

Councilmember Seibert questioned why the City had gone beyond the WAC's requirement of allowing this for religious organizations and extended it to private property owners. Planning Manager Holland explained that the WAC states you cannot disallow for religious organizations. The additional step that the proposed code provides is to make sure that the City is providing those protections not only to religious organizations, but to other private property owners. That way no one could host one of these facilities without complying with all of the rules, regulations and protections. Councilmember Seibert expressed concern that by not limiting these facilities to religious organizations they were opening themselves up to these facilities cropping up in neighborhoods and anywhere in the city. Sr. Planner Holland explained that staff was trying to further protect the city from situations such what happened south of 116th where squatters were living. This would require property owners to comply with all the rules and regulations, including getting a permit. Councilmember Seibert said he still doesn't think it is the proper thing to do to allow just anybody to do this. CAO Hirashima asked if Councilmember Seibert was saying he would like to limit this to only religious organizations. Councilmember Seibert stated that was his preference.

City Attorney Thom Graafstra commented on how easy it is for anyone to create a religious corporation simply by paying a licensing fee. If someone is intent on doing this, requiring them to be a religious organization would not be a deterrent. He thought that having regulations that are more generally applicable makes more sense. His recommendation would be to regulate it this way because the City would be covering the spectrum of potential users out there.

Councilmember Seibert pointed out that the agenda bill states that the facility would have to be located on the property owned by the religious organization. City Attorney Graafstra explained that private individuals could easily deed the property from themselves to themselves as a religious corporation and accomplish the same thing. Councilmember Seibert didn't think the average person who would go through all that hassle would be someone who would think it was okay to have a tent city on their property for 90 days each year. City Attorney Graafstra disagreed based on the history of tent cities, but noted that this was Council's decision.

CAO Hirashima suggested they may want to further review what kind of conditions to put on this. She explained that she became concerned with this issue when they removed the one encampment from a property. That was not a situation where the owners allowed it, but because the City had to contact the owners to get permission to trespass those individuals, it occurred to her that this could be a problem if one of the owners actually liked the idea of the encampment on their property as a charitable deed. She discussed how this part of the proposed code came about as a way to prevent property owners from allowing squatters without any regulations in place.

Councilmember Seibert asked if the City could outright prohibit these facilities on private property other than religious organizations. City Attorney Graafstra stated that that issue has not been tested in the court. He expressed concern that this could be deemed discriminatory. State law specifically says religious organizations can do this. The background of tent cities in this area is a group in Seattle called SHARE/WHEEL. They typically do not own the property or control it, but work with a church that has property and enter into some kind of temporary arrangement with them. He thought that if someone wanted to start a tent city in Marysville that was not a religious organization the City could get sued if the regulations prohibited it.

Councilmember Toyer asked if the proposed regulations would make it more difficult for these groups to assemble. City Attorney Graafstra thought the proposed regulations would give the City a basis to review and approve or disapprove a transitory housing facility.

Councilmember Seibert referred to page 10-27, section (d)(i) and (ii) where it talks about requiring advance discussions with nearby childcare facilities and schools. He expressed concern that there was no timeline noted here. Planning Manager Holland pointed out that there is a 30-day limit for negotiations to be worked out. This section just requires advance notification for those agencies so they know that the permit is coming in, and they can directly contact the City with any concerns. Councilmember Seibert asked for more specific details about how this process would work. Planning Manager Holland explained that those details have not been worked out yet, but the City will provide an entire checklist and a full application packet of how the process will be worked through.

Councilmember Seibert referred to p. 229 and asked about the sunset clause for temporary real estate offices. Planning Manager Holland explained that on the draft that went to the Planning Commission, the sunset clause had expired. Planning Commission Chair Leifer noticed that and thought it should be continued. The draft the Planning Commission adopted did not contain a sunset clause. It will just be an allowed temporary use to put a temporary sales trailer on a lot within a plat without having to convert one of the constructed homes to a model home. CAO Hirashima reviewed the history of this item and the reason the clause had been there in the first place.

Councilmember Stevens referred to item (d)(i) and noted that *proscribed* should be corrected to *prescribed*.

Legal

Mayor's Business

Mayor Nehring:

- He stated he received a letter from Mr. Harshman who wanted to thank Jim Ballew for his great service with his work on the Bayview Trail and with the neighbors. Mr. Harshman also expressed some concern about neighborhood burning going on and requested enforcement of burn laws.
- The Easter Egg Hunt on Saturday was a great event with several thousand residents participating. He commended the Parks department and all the volunteers who made the even happen.
- At SCT they discussed a vote on the 2035 population targets. They also discussed a new alternative dispute resolution method that has been put in place.

Staff Business

Chief Smith:

- He had a rejuvenating vacation. While he was sitting on the beach watching waves he thought about how hard everyone has worked and was very appreciative of the city's accomplishments. He thanked the Council, Mayor Nehring and staff for their leadership and direction.
- The Police department is going through many changes due to the internal promotions. It is exciting to watch the enthusiasm of staff.
- He knows someone who is partnering with 511. They will be bringing training here in July and want Marysville to host it. The City will receive three free slots for doing that and will probably send some additional people to it. He spoke to the value of the partnerships they have developed over the years.
- After all of the promotions were complete, Mayor Nehring and Gloria Hirashima came to the Police department on Tuesday for an internal ceremony and open house. The Mayor gave a great discussion in terms of leadership in honor of those folks that were promoted. CAO Hirashima also spent time speaking with the staff and was extremely well received. Chief Smith thanked Mayor Nehring and CAO Hirashima for their participation; it meant a lot to the staff.

Kevin Nielsen:

- Public Works Committee meeting will be held on the April 12th.
- *Save the Change* signs are up around town, and more will be installed.
- He commended Paul Rochon who got the 156th Bridge painted before Easter weekend.
- Staff will be out mowing and weed-eating in full force now that the weather is improving.

Chris Holland had no additional comments.

Sandy Langdon:

- Auditors have notified staff they are pushing the audit out a month.
- The Easter Egg Hunt was a very nice event. She thanked the Streets department for 528. The bark looks great.

Thom Graafstra reported that Grant Weed's surgery went well, but it will be probably six weeks before he is back to a regular schedule.

Gloria Hirashima:

- She thanked Thom Graafstra for filling in for Grant Weed during his absence and for his helpfulness and availability.
- Staff is doing an amazing job. There is tremendous activity throughout all the departments with the economy picking up.
- The bridge and 528 looks great.
- Good job to staff on all the spring events. The employees are doing a great job.
- She stated the need for an Executive Session to discuss two real estate items, one of which would require multiple actions. The Executive Session was expected to last 15 minutes with a potential extension.

Call on Councilmembers

Rob Toyer thanked Mayor Nehring for passing his comment along about the entrance to Marysville. He was very pleased to notice that action was taken the next day. Thanks to Kevin Nielsen and his group.

Michael Stevens commented that the Easter Egg Hunt was a great event. It was a beautiful day.

Jeff Seibert stated that the three new commanders were at the Public Safety meeting. It was nice to see their enthusiasm. There was discussion about issues related to the SODA ordinance. Chief Smith stated that staff is working through those issues and is very eager to move forward.

Donna Wright remarked that the Easter Egg Hunt was very well organized with a huge amount of volunteers. She commended all the staff and volunteers involved.

Steve Muller stated that at the Historical Society meeting tonight he learned that WSDOT created a 13-minute DVD on the Ebey Slough Bridge.

Jeff Vaughan had no comments.

The Council recessed at 7:55 for five minutes after which time they reconvened into Executive Session to discuss two real estate items, one of which would require multiple actions, and expected to last 15 minutes with a potential extension.

Executive Session

- A. Litigation - per RCW 42.30.110(1)(i)
- B. Personnel
- C. Real Estate – per RCW 42.30.110(1)(ib)

Action Item

- 11. Planned action on a real-estate transaction

Motion made by Councilmember Muller, seconded by Councilmember Seibert to authorize the Mayor to sign the advance Mitigation Agreement. Motion passed (6-0)

Motion made by Councilmember Stevens, seconded by Councilmember Vaughan to authorize the Mayor to signs the Supplemental Easement Conveyance Agreement. Motion passed (6-0)

Motion made by Councilmember Muller, seconded by Councilmember Wright to authorize the Mayor to signs the Access Permit/TCE subject to Chief Administrative Officer and City Attorney Approval to Form. Motion passed (6-0)

Motion made by Councilmember Muller, seconded by Councilmember Wright to extend Executive Session to 8:23 p.m. Motion passed (7-0).

Adjournment

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

Approved this _____ day of _____, 2013.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk