

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Excuse the absence of Councilmember Stevens.	Approved
Approve the agenda as presented.	Approved
Committee Reports	
Presentations	
Present Pride of Marysville Awards: Best Home – Mike and Janet Elmore; Best Business – Bob and Linda Barrett; Mayor’s Choice / James Comeford – Christian Carr	Presented
Volunteer of the Month – Jeff Darrah	Presented
Approval of Minutes	
Approve the July 22, 2013 City Council Meeting Minutes.	Approved
Consent Agenda	
Approval of the July 24, 2013 Claims in the Amount of \$488,842.92; Paid by Check Number’s 85978 through 86136.	Approved
Approval of the July 31, 2013 Claims in the Amount of \$179, 646.00; Paid by Check Number’s 86137 through 86259 with Check Number 86020 Voided.	Approved
Approval of the August 7, 2013 Claims in the Amount of \$1,103,323.77; Paid by Check Number’s 86260 through 86383 with Check Number’s 83256 and 85622 Voided.	Approved
Approval of the August 14, 2013 Claims in the Amount of \$668,571.76; Paid by Check Number’s 86384 through 86525 with No Check Number’s Voided	Approved
Approval of the August 21, 2013 Claims in the Amount of \$797,733.50; Paid by Check Number’s 86526 through 86688 with Check Number’s 74472, 80303, 84759, and 86383 Voided.	Approved
Approval of the August 5, 2013 Payroll in the Amount of \$1,457,289.75; Paid by Check Number’s 26847 through 26897.	Approved
Approval of the August 20, 2013 Payroll in the Amount of \$854,283.69; Paid by Check Number’s 26898 through 26942	Approved
Consider Approval of the Interlocal Cooperation Agreement for Inter-Jurisdictional Coordination Relating to Affordable Housing within Snohomish County.	Approved
Consider Approval of the Tyler Technologies, Inc. Contract and Invoice in the Amount of \$56,773.05.	Approved
Consider Approval of the Supplemental Agreement No. 1 to the Professional Services Agreement with Osborn Consulting Inc. to Authorize a No Cost Time Extension.	Approved
Consider Approval of the Interagency Agreement with the Department of Ecology to Accept Funding.	Approved
Consider Approval of the Professional Services Agreement with KPG, Inc. in the Amount of \$209,855.41, to Provide Professional Engineering Design Services on Three Federally-Funded HSIP Projects.	Approved
Consider the Interlocal Agreement between Snohomish County and the City of Marysville for Auto Theft Task Force Services.	Approved

Consider Acceptance of the 51st Avenue NE Overlay (Grove Street to 80th Street NE) Project, Starting the 45-Day Lien Filing Period for Project Closeout.	Approved
Consideration of a Resolution of Intent to Participate in Alternative Dispute Resolution.	Approved
Approval of the August 28, 2013 Claims in the Amount of \$165,094.20; Paid by Check Number's 86689 through 86815 with Check Number 83736 Voided.	Approved
Approval of the September 5, 2013 Payroll in the Amount of \$1,445,321.30; Paid by Check Number's 26943 through 26989.	Approved
Review Bids	
Consider Awarding Bid to Rehrig Pacific Company and Authorize the Mayor to Execute the Contract for the Sunnyside Roll Carts: Purchase, Assembly, and Delivery in the Amount of \$86,838.35 Including State of Washington Sales Tax.	Approved
Consider Awarding Bid for 53rd Avenue NE and SR528 Intersection Improvements Project to Transportation Systems, Inc. in the Amount of \$310,949.00 Including Washington State Sales Tax and Approve a Management Reserve of \$30,000.00 for a Total Allocation of \$340,949.00.	Approved
Public Hearing	
Public Hearing - Consideration of an Ordinance Adopting a Moratorium on the Establishment, Siting, Location, Permitting, Licensing or Operation of Marijuana Cultivation, Production of Marijuana or Marijuana Derivatives.	Hearing Held Ord. No. 2936 Approved
New Business	
City of Marysville – Berry Farm Condo Private Road Agreement.	Approved
Legal	
Mayor's Business	
Staff Business	
Call on Councilmembers	
Adjournment	8:31 p.m.



Regular Meeting
September 9, 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. Pastor Steve Schertzingler gave the invocation.

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 Commander Robb Lamoureux, City Attorney Grant Weed, Public Works Superintendent Doug Hyde, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Mayor Nehring commented that Councilmember Stevens had informed the Council last week that he would not be present tonight.

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

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

Committee Reports

Councilmember Seibert reported on the recent Public Works meeting where they had a tour of the water treatment facilities. He commented that it was very interesting, and they learn something new every time they go.

Presentations

A. Pride of Marysville Awards

Awards were presented for the following categories:

Best Home – Mike and Janet Elmore received the Pride of the Neighborhood award for their home which is consistently well-kept with well-manicured lawns, colorful landscaping, and new paint, as well as an elaborate railroad garden.

Best Business – Bob and Linda Barrett, Girl Scouts of Western Washington and the North County Outlook Building at 1331 State Avenue, were presented the award for curb appeal, landscaping, building exteriors, and the overall well-kept appearance of their building.

Mayor's Choice/James Comeford Award – Christian Carr, received the award for the Most Improved Home or Business in the Downtown / Waterfront Area. Christian is CEO of Espresso Connection and Silver Cup Coffee as well as the owner of the entire business complex at 5th and State. Christian completed renovations on a highly visible corner right across from Comeford Park. He was commended for the creative blend of exterior paint colors, the use of timeless, classy materials, and the way in which the businesses blend seamlessly into the City's improvements along State Avenue. The committee felt that this look could influence and set the example for some of the neighboring businesses in that area.

B. Volunteer of the Month

Mayor Nehring presented the Volunteer of the Month award to Jeff Darrah, owner of Bleachers, for his volunteer activities including providing free food and beverages to all the workers at the annual Shred-a-thon, serving through the Rotary Club, putting on a shrimp boil for those participating in the golf tournament, and providing meals to the Salvation Army. Mayor Nehring thanked Jeff for his actions and his commitment to give back to the community.

Audience Participation

Dustan Bunt, 7114 – 81st Drive NE, Marysville, WA, expressed concern about his sewer bill. He is concerned that he is paying the same rate as larger households. He doesn't feel that the way this is calculated is a fair approach. He believes it should be calculated on how much is used instead of a flat rate. He stated that he uses more efficient appliances and doesn't feel he is getting an economic benefit from it.

Finance Director Sandy Langdon replied that staff is currently beginning a rate study, and can put that as an option for the Council. Mayor Nehring recommended that this be taken to the Public Works Committee for discussion.

Councilmember Seibert expressed appreciation to Mr. Bunt for using more efficient appliances. He commented that the water bill is graduated and is based on the amount that is used. Mr. Bunt concurred, but noted that he thinks it should also be reflected on the sewer bill.

Wendy Collins, 5814 - 138th Place NE, Marysville, WA, asked that the Council consider a proposed change to the municipal code that governs the speed limit for bicyclists on the sidewalk in Marysville. It is currently 5 miles per hour, which she believes is unreasonably slow for most commuters. Due to that speed limit bicyclists are forced to ride on the road which is very dangerous. As an ideal solution, she recommended a bike lane up and down State Street to protect bikers. As a more reasonable solution she requested that the City increase the speed limit for bicyclists to 15 miles per hour which would allow them to ride on the sidewalk.

CAO Hirashima indicated that staff could discuss this and bring back more information for the Council.

Approval of Minutes

1. Approval of the July 22, 2013 City Council Meeting Minutes.

Motion made by Councilmember Wright, seconded by Councilmember Norton, to approve the July 22, 2013 City Council Meeting Minutes. **Motion** passed unanimously (6-0).

Consent

2. Approval of the July 24, 2013 Claims in the Amount of \$488,842.92; Paid by Check Number's 85978 through 86136.
3. Approval of the July 31, 2013 Claims in the Amount of \$179, 646.00; Paid by Check Number's 86137 through 86259 with Check Number 86020 Voided.
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8. Approval of the August 20, 2013 Payroll in the Amount of \$854,283.69; Paid by Check Number's 26898 through 26942.
13. Consider Approval of the Interlocal Cooperation Agreement for Inter-Jurisdictional Coordination Relating to Affordable Housing within Snohomish County.
14. Consider Approval of the Tyler Technologies, Inc. Contract and Invoice in the Amount of \$56,773.05.
15. Consider Approval of the Supplemental Agreement No. 1 to the Professional Services Agreement with Osborn Consulting Inc. to Authorize a No Cost Time Extension.
16. Consider Approval of the Interagency Agreement with the Department of Ecology to Accept Funding.
17. Consider the Interlocal Agreement between Snohomish County and the City of Marysville for Auto Theft Task Force Services.
18. Consider Approval of the Professional Services Agreement with KPG, Inc. in the Amount of \$209,855.41, to Provide Professional Engineering Design Services on Three Federally-Funded HSIP Projects.
19. Consider Acceptance of the 51st Avenue NE Overlay (Grove Street to 80th Street NE) Project, Starting the 45-Day Lien Filing Period for Project Closeout.
22. Consideration of a Resolution of Intent to Participate in Alternative Dispute Resolution.
24. Approval of the August 28, 2013 Claims in the Amount of \$165,094.20; Paid by Check Number's 86689 through 86815 with Check Number 83736 Voided.
25. Approval of the September 5, 2013 Payroll in the Amount of \$1,445,321.30; Paid by Check Number's 26943 through 26989.

Motion made by Councilmember Vaughan, seconded by Councilmember Norton, to approve consent agenda items 2-8, 13-19, 22, 24, and 25. **Motion** passed unanimously (6-0).

Review Bids

9. Consider Awarding Bid to Rehrig Pacific Company and Authorize the Mayor to Execute the Contract for the Sunnyside Roll Carts: Purchase, Assembly, and Delivery in the Amount of \$86,838.35 Including State of Washington Sales Tax.

Motion made by Councilmember Norton, seconded by Councilmember Vaughan, to award the bid to Rehrig Pacific Company and authorize the Mayor to execute the contract for the Sunnyside Roll Carts: purchase, assembly, and delivery in the amount of \$86,838.35 including State of Washington Sales Tax. **Motion** passed unanimously (6-0).

10. Consider Awarding Bid for 53rd Avenue NE and SR528 Intersection Improvements Project to Transportation Systems, Inc. in the Amount of \$310,949.00 Including Washington State Sales Tax and Approve a Management Reserve of \$30,000.00 for a Total Allocation of \$340,949.00.

Public Works Superintendent Bye stated that Transportation Systems, Inc. was the low bidder at \$340,949 which includes a \$30,000 management reserve for the improvements at 53rd and SR 528. This includes signal improvements and the entrance to Jennings Park off 528.

Motion made by Councilmember Toyer, seconded by Councilmember Wright, to award the bid for the 53rd Avenue NE and SR528 Intersection Improvements Project to Transportation Systems, Inc. in the amount of \$310,949.00 Including Washington State Sales Tax and Approve a Management Reserve of \$30,000.00 for a total allocation of \$340,949.00. **Motion** passed unanimously (6-0).

Public Hearings

11. Public Hearing - Consideration of an Ordinance Adopting a Moratorium on the Establishment, Siting, Location, Permitting, Licensing or Operation of Marijuana Cultivation, Production of Marijuana or Marijuana Derivatives.

The public hearing was opened at 7:35 p.m. City Attorney Grant Weed reviewed the background on this item and the purpose of the hearing. He explained that staff is recommending a 12-month moratorium on the receipt of new applications for business licenses and any land use permits to give the City an opportunity to evaluate what regulations it would want to impose at the local level and in response to the Liquor Control Board.

CAO Hirashima discussed the "Recreational Marijuana Regulations Work Plan" she had distributed earlier. The work plan includes dates, steps to be taken, regulations/requirements, and the formation of a committee process. The proposed work plan would provide for an ordinance by April of 2014.

Council Questions: None

Public Testimony:

Catherine Michelle Mile, 15305 W. Lake Goodwin Rd., WA, and Dave Mills, local Realtor, 8308 82nd Avenue NE Marysville, distributed talking points related to the goals of Initiative 502 in legalizing marijuana as well as implementation aspects of the new

law to protect the public. She explained that the primary goal of public safety is to look out for the community. Ms. Mile asserted that the highest risk operations will undoubtedly be the retail outlets, and therefore, recommended breaking this into two separate parts. She recommended a 6 to 9-month moratorium on licensing for retail operations. According to her, the lowest risk businesses will be the producer/processor operations. She recommended recommending a 3-month moratorium on licensing for producer/processor operations to allow the City time to establish appropriate rules and regulations. By allowing these operations to occur in the City they will be allowing reputable business operations in the City and reduce the likelihood of black market activity. Mr. Mills added that since I-502 there has been an incredible amount of interest from people who own property who are interested in leasing out their property to marijuana operations. Ms. Mile volunteered to be part of the work committee to ensure implementation of this law in a responsible, safe manner.

Roger Sull 2727 – 74th Drive NE, Marysville, WA, a local entrepreneur and businessman, stated that he was interested in this from a business perspective. He sees this as a modern-day gold rush for everyone involved in this industry. He spoke against a 12-month moratorium and recommended speeding up the process to allow business to make plans. He recommended skipping the committee step and going directly to the Planning Commission.

Councilmember Toyer asked staff about the option of shortening to a 6-month or 9-month moratorium. CAO Hirashima stated that the 12-month moratorium allows for the complete work plan she had distributed. If they skip the committee process they could probably shorten it to 9 months.

Councilmember Muller asked about restrictions as to the number of growers and producers as well as retail operations. City Attorney Weed replied that there are restrictions on the number of licenses issued in all three of the categories.

Councilmember Wright commented that even if they pass the 12-month moratorium they could complete the process sooner. City Attorney Weed concurred. Once the City has its regulations ready, those regulations would also repeal the moratorium.

Councilmember Vaughan stated that his concern with compressing the work plan timeline is that he wouldn't want it to take away from the opportunity for citizens to learn about how this will impact our community. He noted that they haven't heard from many of the citizens about this matter. He wants to make sure that people are very well-informed so the Council can be assured that they have done a thorough job with the matter. He also doesn't want the Council to rush through this, noting that this is a very new process.

Councilmember Toyer expressed concern that having a 12-month moratorium was kicking this down the road again and slowing the process.

City Attorney Grant Weed clarified that on the second to last page of the ordinance the blank for the public hearing should be filled in with tonight's date.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Ordinance No. 2936 with the addition of the date of May 9, 2013 to the second to last page of the Ordinance. **Motion** passed unanimously (5-1) with Councilmember Toyer opposing.

New Business

23. City of Marysville - Berry Farm Condo - Private Road Agreement.

City Attorney Grant Weed reviewed this item. He explained that the HOA came to the City well over a year ago with a request to have the City enforce speed limits in the condo association. Private speed enforcement is allowed in some instances by state law, but not for condo associations. Mr. Perrin took the initiative of bringing a bill through the legislature to allow cities to enter into agreements with law enforcement agencies to do speed enforcement. Staff has prepared a draft of an agreement for Council's consideration. The issue before the Council is whether or not they want to move forward with such an agreement. If so, staff would provide a final draft and work through issues with the group.

Council Questions: None

Public Comments:

James Perrin, 4345 – 149th Place NE, Marysville, WA, explained that the Berry Farm Condo area was originally intended as navy housing, and as a result, the streets are substandard. Parking has been a tremendous issue. He expressed concern about the lack of any traffic enforcement in the area. The residents worked hard to get the RCW passed through. They are requesting that the police be allowed to patrol and issue citations if necessary. Mr. Perrin stated that the residents understand that there will not be a dedicated patrol presence in the area.

Councilmember Wright asked about parking. City Attorney Grant Weed stated that the state code allows for police enforcement of speed, but not parking. Mr. Perrin concurred. He noted that one side of all the streets is marked as a fire lane. Other than they haven't had parking issues they haven't been able to control internally.

Councilmember Muller asked if there is an active HOA. Mr. Perrin affirmed that there is. Councilmember Muller asked if this has the initial approval of the HOA. Mr. Perrin stated that as soon as they get a proposal from the City they would present it to their members and then bring it back to the Council for final approval.

Mayor Nehring reiterated that tonight they are just giving staff direction to draft an ordinance to be taken to the HOA. Once there is a signed agreement that is acceptable to the HOA, it will be brought back to Council for final action.

Motion made by Councilmember Vaughan, seconded by Councilmember Toyer, to direct staff to draft a City of Marysville/Berry Farm Condo Private Road Agreement.

Councilmember Muller asked if this could be opened up to other law enforcement agencies. City Attorney Weed was not sure. He suggested evaluating whether, by entering into this agreement, an officer from Snohomish County or WSP could also issue speeding citations based on this agreement and mutual aid agreements the City has with other jurisdictions.

Motion passed unanimously (6-0).

Legal

Mayor's Business

The Wal-Mart ribbon cutting was posted until September 18.

- Congressman Larsen held a coffee in town last Thursday which he and Councilmembers Toyer and Wright attended.
- Touch-a-Truck will be held this Saturday at 10 a.m.
- He reminded those on the Intergovernmental Affairs Committee that the quarterly school district meeting would be held on September 19 at 8 a.m. in Council Chambers.

Staff Business

Jim Ballew:

- Touch-a-Truck starts at 10 a.m. on Saturday at Asbury Field.
- Serve Day will start at 8:30 at Doleshel Park and will last until about 2. They hope that the park will be set to open in a few months.
- The Park Board meeting will be held on Tuesday in combination with the Planning Commission.
- There will be a 9/11 ceremony at the library at 8:30 a.m.

Robb Lamoureux thanked the Council for consenting to the agreement with the Auto Theft Task Force. He thinks this will be a big role for the City to play countywide and will have a big impact.

Doug Bye:

- Burlington Northern has informed the City they still do not have an exact date on when the crossings will be complete.
- Paving work on State Avenue from 92nd to 100th Street will be postponed to the week of the 16th due to the heavy rain last week.
- Staff is making final preparations for Touch-a-Truck on Saturday.
- Mayor Nehring asked him about signs he had seen for 529 southbound closure. Superintendent Bye was not aware of any closures. Councilmember Muller thought it was the bridges.

Sandy Langdon reported that the Washington Finance Officers Association Conference is being held at Tulalip Resort next week. There are over 700 registrants, which is one of the largest conferences they have had in their 58 years. The Holiday Inn Express in Marysville was one of three conference hotels, and it booked up within two months of release in May. Mayor Nehring will be speaking at the opening ceremony along with Arlington and Everett's mayors.

Grant Weed had no further comments.

Gloria Hirashima had no further comments.

Call on Councilmembers

Kamille Norton:

- She is looking forward to Touch-a-Truck and the Day of Service at Doleshel Park.
- She shared a very positive experience they had with the fire department about a week ago. She was very impressed with the way the firefighters took the time to meet with the kids in her neighborhood after an incident.

Steve Muller:

- He said he really appreciated Leah's great communication.
- He is looking forward to Touch-a-Truck on Saturday.
- He informed the Council that the historical society received a permit for the museum today. They should have a building in 90 days.

Rob Toyer had no comments.

Donna Wright had no comments.

Jeff Seibert had no comments.

Jeff Vaughan had no comments.

Executive Session

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

DRAFT

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:31 p.m.

Approved this _____ day of _____, 2013.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk