

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approve the agenda as presented.	Approved
Committee Reports	
Presentations	
Officer Swearing-In – Wayne (Kawika) Davis	Presented
Employee Services Awards: 5 Years: Donald Castanares, Crime Analyst, Police; 10 Years: Allison Morrison, Program Specialist, Courts	Presented
Approval of Minutes	
Approval of the October 7, 2013 City Council Work Session Minutes.	Approved
Consent Agenda	
Approval of the October 9, 2013 Claims in the Amount of \$611,548.08; Paid by Check Number's 87469 through 87668 with Check Number's 81070 and 87416 Voided.	Approved
Approval of the October 16, 2013 Claims in the Amount of \$648,536.23; Paid by Check Number's 87669 through 87820 with Check Number's 65679, 65814, 65913, 66906,66962,67188, 67387, 67418, 67443, 67476, 67494, 67532, 67560, 68108, 68604, 68682, 68691, 68692, 68706, 70005, 71729, 72141, 72650, 72670, 72742, 72783, 72802, 74451, 75025, 76218, 76278, 76281, 76683, 77409, 77452, 77497 Voided.	Approved
Approval of the October 18, 2013 Payroll in the Amount of \$843,620.77; Paid by Check Number's 27075 through 27110.	Approved
New Business	
Consider Approving the Grant Funding received from Wal-Mart Foundation to Purchase Equipment for the Police Department.	Approved
Consider Approving the Cooperative Agreement Renewal with United States Department of Agriculture, Animal Plant Health Inspection Service and Wildlife Services for services rendered through August 2014.	Approved
Consider an Ordinance Amending Portions of the Marysville Municipal Code Relating to Local Improvements – Amending Chapter 3.16 Entitled “Local Improvement Guaranty Fund”; Amending Chapter 3.60 Entitled “Local Improvements, Special Assessments and Bonds”; Providing for Severability; and Effective Date.	Approved Ord. No. 2937
Consider a Resolution Declaring Certain Hardware of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.	Approved Res. No. 2351
Consider the Special Events Permit Application for the Marysville Arts Coalition to Conduct a Special Event from November 8-9, 2013.	Approved
Legal	
Mayor's Business	
Approve the Mayor's Recommendations for the Marijuana Regulation Committee - Steve Muller, Kelly Richards, Bruce Paquette, and Catherine Mighell.	Approved
Staff Business	
Call on Councilmembers	
Adjournment	8:05 p.m.
Executive Session	8:10 p.m.

Litigation – one item	
Real Estate – one item	
Adjournment	8:25 p.m.



Regular Meeting
October 28, 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 Vic Rodriguez 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 Toyer¹, Jeff Vaughan, and Donna Wright

Absent: None

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Chief Rick Smith, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Court Administrator Suzanne Elsner, and Recording Secretary Laurie Hugdahl.

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

Mayor Nehring noted that Councilmember Toyer would be attending, but was caught in traffic.

Committee Reports

Councilmember Seibert reported on the 9/18 Finance Committee meeting where the following items were discussed:

- The Clerk's Office is busy with new records requests.
- The bond issue closed on the 18th. The City saved \$500,000 and got a good interest rate with an A-1 rating.

¹ Councilmember Toyer arrived at 7:08 p.m.

- There was discussion about liens for unpaid surface water and other bills. It is the Finance Committee's opinion that the City needs to lobby the legislature to change the law regarding the liens.
- Information Services recently upgraded the microphone system.
- The e-statements have been delayed due to a necessary software upgrade that will be coming in the spring.

Councilmember Vaughan reported that on October 23 the LEOFF 1 Board reviewed and approved two claims.

Presentations

A. Officer Swearing-In

Commander Wade and Chief Smith introduced and welcomed Wayne (Kawika) Davis who was then sworn in by Mayor Nehring.

B. Employee Services Awards

The following employees received employee service awards:

- 5 Years: Donald Castanares, Crime Analyst, Police
- 10 Years: Allison Morrison, Program Specialist, Courts

Audience Participation

Preston Dwoskin, 11120 - 46th Ave NE, Marysville, WA 98271, congratulated the City Council for their excellent work. He then expressed concerns about safety for citizens on 116th, especially related to panhandling. He urged the City to take action on this. Next, he urged caution on the marijuana legislation which is quite tricky. Finally, he asked for details related to the prosecution of marijuana-related issues.

Chief Smith responded to Mr. Dwoskin's concern about the panhandlers and commented that the police are actively working that area and were recently out there. Regarding the marijuana issue, staff is still working through the legislation. In terms of the criminal side, police will prosecute anything that can be legally prosecuted.

Roger Sullivan, 2727 - 74th Drive NE, Marysville, WA 98270, spoke regarding the I-502 Application and Zoning Moratorium. Mr. Sullivan stated that he is a local entrepreneur who is part of a group of well-financed and professional entrepreneurs and businessmen seeking a license for the production and processing of recreational marijuana. He discussed reasons why these businesses should be allowed in the City. These included large financial revenues and increased safety and predictability by encouraging better businesses to locate here. He urged the Council to continue on their diligence to fast track any current regulatory zoning processes, perhaps even including emergency or interim regulations. This could help give businesses that plan to locate here much needed direction and could help to avoid legal action down the road. He

volunteered his time and knowledge to any community committees that may be formed to help shape this industry in Marysville.

Dave Mills, 8308 – 82nd Avenue NE, Marysville, WA 98270, stated that there are a couple reputable national and international companies involved in ventures other than direct marijuana production. He discussed a hydroponic company that wants to invest in a business in Marysville. The fact that Marysville had a moratorium was a deterrent to this project. He explained that Spokane put together an emergency ordinance to lift their moratorium and set in motion focus groups and public hearings. Their reasoning was that they didn't want marijuana businesses in Spokane to be operated like the Wild West. They wanted to create logic, predictability and balance combined with the needs of public safety, public health, and the will of the voters to dismantle the black market. He expressed concern that the "top tier" of marijuana businesses are opting out of the area because of the moratorium.

Approval of Minutes

1. Approval of the October 7, 2013 City Council Work Session Minutes.

Motion made by Councilmember Vaughan, seconded by Councilmember Norton, to approve the October 7, 2013 City Council Work Session Minutes.

Councilmember Muller stated that he would be abstaining from the vote since he was not at that meeting.

Motion passed unanimously (6-0).

Consent

2. Approval of the October 9, 2013 Claims in the Amount of \$611,548.08; Paid by Check Number's 87469 through 87668 with Check Number's 81070 and 87416 Voided.
3. Approval of the October 16, 2013 Claims in the Amount of \$648,536.23; Paid by Check Number's 87669 through 87820 with Check Number's 65679, 65814, 65913, 66906, 66962, 67188, 67387, 67418, 67443, 67476, 67494, 67532, 67560, 68108, 68604, 68682, 68691, 68692, 68706, 70005, 71729, 72141, 72650, 72670, 72742, 72783, 72802, 74451, 75025, 76218, 76278, 76281, 76683, 77409, 77452, 77497 Voided.
4. Approval of the October 18, 2013 Payroll in the Amount of \$843,620.77; Paid by Check Number's 27075 through 27110.

Motion made by Councilmember Wright, seconded by Councilmember Seibert, to approve Consent Agenda items 2, 3, and 4. **Motion** passed unanimously (7-0)

Review Bids

Public Hearings

New Business

5. Consider Approving the Grant Funding received from Wal-Mart Foundation to Purchase Equipment for the Police Department.

Chief Smith explained that this is for a \$1500 Wal-Mart Foundation Grant which will be used to purchase a refrigerator for evidence, a couple chairs and a panel for records.

Motion made by Councilmember Stevens, seconded by Councilmember Toyer, to approve the Grant Funding received from Wal-Mart Foundation to Purchase Equipment for the Police Department. **Motion** passed unanimously (7-0).

6. Consider Approving the Cooperative Agreement Renewal with United States Department of Agriculture, Animal Plant Health Inspection Service and Wildlife Services for services rendered through August 2014.

CAO Hirashima – this is the renewal of an ongoing agreement with the Department of Agriculture, to take care of animal issues that are encountered on parks properties.

Motion made by Councilmember Stevens, seconded by Councilmember Muller, to approve the Cooperative Agreement Renewal with United States Department of Agriculture, Animal Plant Health Inspection Service and Wildlife Services for services rendered through August 2014. **Motion** passed unanimously (7-0).

7. Consider an **Ordinance** Amending Portions of the Marysville Municipal Code Relating to Local Improvements – Amending Chapter 3.16 Entitled “ Local Improvement Guaranty Fund”; Amending Chapter 3.60 Entitled “Local Improvements, Special Assessments and Bonds”; Providing for Severability; and Effective Date.

City Attorney Grant Weed stated that this is mainly a housekeeping ordinance. The ordinance that regulates and defines how the City forms and manages LIDs is antiquated. Since the time the City originally adopted the ordinance there have been some changes. It was determined by bond counsel that it would be better to repeal some of the sections in the ordinance and utilize the state ordinance which is up to date. One important feature that has been added to this ordinance, upon the recommendation of the bond counsel, is that it allows Council to appoint a Hearing Examiner to hear the final assessment role hearings and any appeals.

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to approve Ordinance No. 2937. **Motion** passed unanimously (7-0).

8. Consider a **Resolution** Declaring Certain Hardware of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof.

IT Services Manager Worth Norton stated that this surpluses computers and laptops that are either inoperable or outdated. They will be for sale on the City's website.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Resolution No. 2351. **Motion** passed unanimously (7-0).

9. Consider the Special Events Permit Application for the Marysville Arts Coalition to Conduct a Special Event from November 8-9, 2013.

CAO Hirashima reviewed this item. All departments have reviewed and approved the request. There were no comments or questions.

Motion made by Councilmember Norton, seconded by Councilmember Stevens, to approve the Special Events Permit Application for the Marysville Arts Coalition to Conduct a Special Event from November 8-9, 2013. **Motion** passed unanimously (7-0).

Legal

Mayor's Business

10. Marijuana Regulation Committee.

Mayor Nehring recommended the following individuals for the Marijuana Regulation Committee: Steve Muller (Councilmember), Kelly Richards (Planning Commissioner), Bruce Paquette (citizen), and Catherine Mighell (potential business owner). There is a meeting scheduled for Tuesday, November 5 at 6:00. The Marijuana Regulation Committee will act and pass a recommendation on to the Council.

Motion made by Councilmember Toyer, seconded by Councilmember Seibert, to approve the nominations for the Marijuana Regulation Committee. **Motion** passed unanimously (7-0).

Other Mayor's Business:

Mayor Nehring:

- Snohomish County Tomorrow voted on new citizens' representatives and to formally link with Economic Alliance Snohomish County to support a transportation event with the state legislature.
- At Community Transit Board last week there was a budget workshop. Some good news is that their sales tax has increased about 8% this year. This appears to be a trend throughout the county for the first year in quite some time.
- The Tulalip Tribes Raising Hands Ceremony last weekend was a very nice event.
- On Wednesday morning at 10 a.m. there will be a Bayview check presentation from County Executive Lovick at the 75th Street entrance of the Bayview Trail.

Staff Business

Kevin Nielsen informed the Council that there is a Public Works Committee this Friday.

Chief Smith:

- He advised Council that in the past week-and-a-half the NITE team has stopped at least two burglaries that were going to occur thanks to the work done by Don Castanares.
- He is grateful and proud to welcome a new, experienced officer to the department.
- He spoke in support of the Council's approach to the marijuana issue. He appreciates the time and care they are taking on this important matter.

Sandy Langdon reminded Councilmembers that there will be a budget workshop after the regular Council workshop next Monday.

Grant Weed stated the need for a 15-minute Executive Session to discuss two items – one pending litigation item and one potential real estate item with no action requested.

Gloria Hirashima:

- She updated Council on the Domestic Violence Advocate position which was started last year as a 20-hour a week position housed in Marysville. She gave a report on the first two quarters of the year (January through June). This is a position made possible by a CDBG grant for Domestic Violence Services of Snohomish County. Some highlights of the report are they have been making contact with every domestic violence victim. They work with the police department to provide the victim with resources and communication, and they also work with the prosecutors. She has received good feedback from all of the departments about this valuable service. The report indicated that they served 128 Marysville residents in the first two quarters. Of that, they served 37 low income and 62 extremely low income clients. 10 of those were also disabled. There appears to be consensus that this is a very valuable service. A nice feature of this position is that it provides support on the civil as well as the criminal level.
- A planning and development update will be held Wednesday at 1:00 p.m. This will be an opportunity to give developers an update about the Comprehensive Plan updates on code changes that have occurred in the last few years that they may not be aware of; infrastructure updates from Public Works; and water, sewer, and stormwater projects that the City is developing.
- Staff is working on a project up north at 156th Street NE and Smokey Pt. Blvd. to develop a North Precinct Office for police.

Call on Councilmembers

Kamille Norton:

- Congratulations to Chief Smith on the new hire.

- Congratulations to Don Castanares for the great work he does to keep the city safe.
- She echoed Mayor Nehring's comments about the Tulalip Tribes event which was very nice.

Steve Muller:

- It's good to be back.
- He congratulated Don Castanares for his great work.

Rob Toyer had no comments.

Michael Stevens:

- Thanks to Councilmember Muller for stepping up to fill his position on the Marijuana Committee.
- The *City Scene* published on the website gets better and better each time.
- Raising Hands was a great event.
- He won't be able to attend the rescheduled Council Meeting on Tuesday, November 12 because of work.

Jeff Seibert:

- He also appreciated the Raising Hands ceremony.
- He commended Councilmember Vaughan for the way he ran the meeting last week.

Donna Wright echoed congratulations about the Police Department, the Raising Hands ceremony, and the great job done by Mayor Pro Tem Vaughan at the meeting last week.

Mayor Nehring thanked Councilmember Vaughan for filling in for him last week.

Jeff Vaughan had no further comments.

Council recessed at 8:05 for 5 minutes after which time they reconvened into Executive Session. It was announced that Executive Session would last 15 minutes with no action expected.

Executive Session

- A. Litigation – one pending litigation item, RCW 42.30.110(1)(i)
- B. Personnel
- C. Real Estate – one potential real estate item, RCW 42.30.110(1)(b)

Council reconvened into regular session at 8:25 p.m.

Adjournment

Motion made by Councilmember Wright, seconded by Councilmember Toyer, to approve the agenda. Motion passed unanimously (7-0).

Seeing no further business Mayor Nehring adjourned the meeting at 8:25 p.m.

Approved this _____ day of _____, 2013.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk