

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Excuse the absence of Councilmember Muller.	Approved
Approval of the Agenda	Approved
Presentations	
Officer Swearing-in - Daniel Osmond	Performed
Proclamation: National Friends of the Library Week	Read
Sno-isle Library	Presented
Proclamation: Declaring October as Mayors Disability Employment Awareness Month in Marysville	Read
Committee Reports	
Approval of Minutes	
Approval of the September 8, 2014 City Council Minutes	Approved
Consent Agenda	
Approval of the September 19, 2014 Payroll in the Amount of \$1,029,608.43; Paid by Check Number's 28182 through 28826.	Approved
Approval of the September 17, 2014 Claims in the Amount of \$1,051,141.65; Paid by Check Number's 94759 through 94884 with Check Number 93503 Voided.	Approved
Approval of the September 24, 2014 claims in the Amount of \$1,125,935.38; paid by Check Number's 94885 through 95083 with No Check Numbers voided.	Approved
Consider Approving the Amendments with the State of Washington Department of Commerce Public Works Trust Fund Loan Agreements to Change the Repayment Dates from July 1 to June 1.	Approved
Consider Approving the Professional Services Agreement Supplement No. 3 in the Amount of \$47,301.00 with Murray, Smith and Associates, Inc.	Approved
Consider Approving the Cooperative Services Agreement between United States Department of Agriculture in the Amount of \$15,000.00.	Approved
Consider Approving the Annual Support Agreement and License Agreement for Munis Software in the Amount of \$63,213.91.	Approved
Consider Approving the PUD Distribution Easement with PUD to Allow Installation of a Guy Wire.	Approved
Consider Approving the Professional Services Agreement with MAKERS ARCHITECTURE to provide consultant services in the amount of \$42,710.00 in order to prepare a Master Plan for the Lakewood Neighborhood as part of the 2015 Marysville Comprehensive Plan Update.	Approved
Consider Approving the Pay Classification of N11 for the Risk/Emergency Management Officer.	Approved
Approval of the October 1, 2014 Claims in the Amount of \$320,279.93; Paid by Check number's 95084 through 95208 with No Checks Voided.	Approved
Approval of the October 3, 2014 Payroll in the Amount of \$1,533,320.38; Paid by Check Number's 28227 through 28274.	Approved
Review Bids	
Consider Awarding the 2014 Shoulder Improvement Program to Northend Excavating, Inc. in the Amount of \$91,733.00 Including Washington State	Approved

Sales Tax and Approve a Management Reserve of \$7,500.00 for a Total Allocation of \$99,233.00.	
Public Hearings	
New Business	
Consider Approving a Resolution of the City of Marysville Adopting Revised Personnel Rules of the City of Marysville and Repealing Resolution Number 2260 and Subsequent Resolutions Amending Resolution 2260.	Approved Res. 2366
Consider Approving an Ordinance Creating a New Chapter 6.23 of the Marysville Municipal Code (MMC) Related to Chronic Nuisance Properties and Amending MMC Section 22G.060.090 Related to Hearing Examiner Duties; Providing for Severability; and Effective Date.	Approved Ord. No. 2970
Consider an Ordinance Amending Marysville Municipal Code Chapter 6.37 Regarding Pedestrian Interference – Coercive Solicitation by Adding New Sections MMC 7.37.045 and MMC 6.37.047, Regulating Time, Place and Manner for Solicitation on Public Right of Way, Providing for Severability and Establishing an Effective Date.	Approved Ord. No. 2971
Mayor’s Business	
Consider the Mayor’s Community and Housing Development Citizen Advisory Committee Appointments: Peter Condyles, Brooke Hougan, Steve Lebo, Rob Toyer, and Donna Wright.	Approved
Consider the Mayor’s Recommendation for 2014-2015 Alternate Hotel/Motel Committee Member – Rachel Ralson.	Approved
Library Board Appointment: Sean King.	Approved
Staff Business	
Call on Councilmembers	
Adjournment	8:17 p.m.
Executive Session	8:22 p.m.
Personnel – two items	
Reconvenement	8:37 p.m.
Adjournment	8:37 p.m.

Regular Meeting
October 13, 2014

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: Kamille Norton, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

Absent: Steve Muller

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Grant Weed, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

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

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

Committee Reports

Councilmember Seibert reported on the October 4, Public Works Meeting where the following items were discussed:

- 529 interchange design
- Snow route communication in preparedness for snow
- Presentation on options for grade separation
- Presentation on overlays in the City

Presentations

A. Officer Swearing-in

Police Officer Daniel Osmond was sworn in.

B. Proclamation: National Friends of the Library Week

Mayor Nehring read the Proclamation declaring October 19-25 *Friends of the Library Week*.

C. Sno-isle Library

Sno-Isle representatives Jonalyn Woolf-Ivory, Eric Spencer, and Valerie Stevens discussed the critical function of the Marysville Library and the Sno-Isle Library System.

D. Proclamation: Declaring October as Mayors Disability Employment Awareness Month in Marysville

Mayor Nehring read the proclamation declaring October as *Mayors Disability Employment Awareness Month* in Marysville.

Audience Participation

Connie Tessness, 7707 Soper Hill Road, 98270, expressed concern about compulsory garbage pickup. She has lived in her home on Soper Hill for 45 years and has never had compulsory garbage pickup. She expressed concern about being charged for it whether or not she has garbage picked up.

Vonna Posey, 7719 Soper Hill Road, 98270, has lived at that address for 38 years. She expressed concern about the legality and fairness of the city's solid waste ordinance. She stated her that her question about this had not been recorded in the previous minutes. She asked for the phone number and the name of the City Attorney. Grant Weed stated his name and phone number for her information.

Fred Ronk, 7109 67th Street NE, Marysville, WA expressed concern about the mandatory garbage collection for people who may not want it or need it. He questioned the legality of making this a mandatory issue.

Grant Weed discussed the legality of the mandatory garbage pickup. He stated that the courts in Washington State as well as throughout the country have consistently held that with respect to solid waste and garbage, as well as utilities such as stormwater, cities have the authority to require all people in the city to subscribe to the service. The courts have said that if some people receive the service and others don't it often becomes a public service issue or a health hazard.

Fred Ronk, 7109 67th Street NE, Marysville, WA, commented that the health issues from a small percentage of the people who don't take care of their garbage could be taken care of on an individual basis.

Director Nielsen addressed the costs of different levels of recycling and garbage service. He clarified that the minimum garbage service is \$11.98 per month. This is for a 36-gallon trash container plus recycling. He compared this to areas outside the city limits and Snohomish County, the recycling cost without trash service is \$9.15/month. With trash service it's \$7.60/month. He summarized that Marysville's minimum once a month trash pickup costs about \$3 more than the base recycling cost.

Councilmember Seibert asked City Attorney Weed how long garbage has been mandatory in the City of Marysville. City Attorney Weed thought it had been at least 20 years, but was not sure exactly when it was instituted. He was not aware of it being an issue for many people in the past.

Mayor Nehring thanked the members of public for coming to speak.

Approval of Minutes

1. Approval of the September 8, 2014 City Council Minutes

Motion made by Councilmember Norton, seconded by Councilmember Stevens, to approve the minutes of the September 8, 2014 City Council Meeting Minutes. **Motion** passed unanimously (6-0).

Consent

2. Approval of the September 19, 2014 Payroll in the Amount of \$1,029,608.43; Paid by Check Number's 28182 through 28826.
3. Approval of the September 17, 2014 Claims in the Amount of \$1,051,141.65; Paid by Check Number's 94759 through 94884 with Check Number 93503 Voided.
4. Approval of the September 24, 2014 claims in the Amount of \$1,125,935.38; paid by Check Number's 94885 through 95083 with No Check Numbers voided.
6. Consider Approving the Amendments with the State of Washington Department of Commerce Public Works Trust Fund Loan Agreements to Change the Repayment Dates from July 1 to June 1.
7. Consider Approving the Professional Services Agreement Supplement No. 3 in the Amount of \$47,301.00 with Murray, Smith and Associates, Inc.
8. Consider Approving the Cooperative Services Agreement between United States Department of Agriculture in the Amount of \$15,000.00.

9. Consider Approving the Annual Support Agreement and License Agreement for Munis Software in the Amount of \$63,213.91.
10. Consider Approving the PUD Distribution Easement with PUD to Allow Installation of a Guy Wire.
15. Consider Approving the Professional Services Agreement with MAKERS ARCHITECTURE to provide consultant services in the amount of \$42,710.00 in order to prepare a Master Plan for the Lakewood Neighborhood as part of the 2015 Marysville Comprehensive Plan Update.
17. Consider Approving the Pay Classification of N11 for the Risk/Emergency Management Officer.
18. Approval of the October 1, 2014 Claims in the Amount of \$320,279.93; Paid by Check number's 95084 through 95208 with No Checks Voided.
19. Approval of the October 3, 2014 Payroll in the Amount of \$1,533,320.38; Paid by Check Number's 28227 through 28274.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Consent Agenda items 2, 3, 4, 6, 7, 8, 9, 10, 15, 17, 18, and 19. **Motion** passed unanimously (6-0).

Review Bids

5. Consider Awarding the 2014 Shoulder Improvement Program to Northend Excavating, Inc. in the Amount of \$91,733.00 Including Washington State Sales Tax and Approve a Management Reserve of \$7,500.00 for a Total Allocation of \$99,233.00.

Director Nielsen commented that this includes the shoulders on 92nd and a few others around town. These are needed and will be a nice addition to the roads.

Motion made by Councilmember Stevens, seconded by Councilmember Toyer, to sign and execute the project to award the 2014 Shoulder Improvement Program to Northend Excavating, Inc. in the Amount of \$91,733.00 Including Washington State Sales Tax and Approve a Management Reserve of \$7,500.00 for a Total Allocation of \$99,233.00. **Motion** passed unanimously (6-0).

Public Hearings

New Business

11. Consider Approving a Resolution of the City of Marysville Adopting Revised Personnel Rules of the City of Marysville and Repealing Resolution Number 2260 and Subsequent Resolutions Amending Resolution 2260.

Human Resources Director Kristie Guy stated she had no new information since the Work Session presentation. There were no comments or questions.

Motion made by Councilmember Vaughan, seconded by Councilmember Stevens, to adopt Resolution No. 2366. **Motion** passed unanimously (6-0).

12. Consider Approving an Ordinance Creating a New Chapter 6.23 of the Marysville Municipal Code (MMC) Related to Chronic Nuisance Properties and Amending MMC Section 22G.060.090 Related to Hearing Examiner Duties; Providing for Severability; and Effective Date.

CAO Hirashima stated that some redlines in the packet discussed the purpose of the Ordinance. It is not intended to replace current tools for more straightforward nuisance issues. Other tools would be utilized first if they already exist. If after the determination and review of the Police Chief and director it is deemed not to be a public nuisance or corrected then the case would be closed.

There were no comments or questions.

Motion made by Councilmember Wright, seconded by Councilmember Toyer, to adopt Ordinance No. 2970. **Motion** passed unanimously (6-0).

13. Consider an Ordinance Amending Marysville Municipal Code Chapter 6.37 Regarding Pedestrian Interference – Coercive Solicitation by Adding New Sections MMC 7.37.045 and MMC 6.37.047, Regulating Time, Place and Manner for Solicitation on Public Right of Way, Providing for Severability and Establishing an Effective Date.

There were no comments or questions.

Motion made by Councilmember Toyer, seconded by Councilmember Seibert, to adopt Ordinance No. 2971. **Motion** passed unanimously (6-0).

Legal

Mayor's Business

14. Community and Housing Development Citizen Advisory Committee Appointments: Peter Condyles, Brooke Hougan, Steve Lebo, Rob Toyer, and Donna Wright.

Motion made by Councilmember Toyer, seconded by Councilmember Norton , to approve the appointment of Peter Condyles to the Community and Housing

Development Citizen Advisory Committee Appointment. **Motion** passed unanimously (6-0).

Motion made by Councilmember Wright, seconded by Councilmember Toyer, to approve the appointment of Brooke Hougan to the Community and Housing Development Citizen Advisory Committee Appointment. **Motion** passed unanimously (6-0).

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to approve the appointment of Steve Lebo to the Community and Housing Development Citizen Advisory Committee Appointment. **Motion** passed unanimously (6-0).

Motion made by Councilmember Seibert, seconded by Councilmember Stevens, to approve the appointment of Rob Toyer to the Community and Housing Development Citizen Advisory Committee Appointment. **Motion** passed unanimously (6-0).

Motion made by Councilmember Stevens, seconded by Councilmember Norton, to approve the appointment of Donna Wright to the Community and Housing Development Citizen Advisory Committee Appointment. **Motion** passed unanimously (6-0).

16. Consider the Mayor's Recommendation for 2014-2015 Alternate Hotel/Motel Committee Member.

Motion made by Councilmember , seconded by Councilmember , to approve the Mayor's Recommendation of Rachel Ralson for the 2014-2015 Alternate Hotel/Motel Committee Member. **Motion** passed unanimously (6-0).

20. Library Board Appointment: Sean King.

Motion made by Councilmember Stevens, seconded by Councilmember Wright, to approve the appointment of Sean King to the Library Board. **Motion** passed unanimously (6-0).

Mayor Nehring had the following comments:

- He thanked the Councilmembers and everybody involved in the ribbon cutting for the Living Room coffee house.
- He thanked all the councilmembers for their work and approval of funding on Bayview.
- He expressed appreciation to staff for completing this almost wholly in-house.
- He gave an update on the Youth Council which had a kick-off meeting last week. The group will be bringing in Marysville Together to help lead that project since they have had training in this area.
- He and Gloria have met with Strategies 360 to formulate state and federal legislative strategies and priorities.
- He and Kevin Nielsen will be meeting with some people from the Sikh temple who have concerns about their walkway from the parking lot across the street.

Staff Business

Chief Smith:

- The Mayor and Gloria Hirashima came over for a jail inspection today.
- Next week is the Public Safety meeting. He wants to take the Public Safety Committee members on a jail tour at 4:30 and is open to taking another group as well. He invited the Council to come in next Wednesday for a tour at 3:30.
- He had the opportunity to speak at the Behind the Badge conference. It was a great event. The theme was courage, bringing families together, and recognizing what law enforcement goes through.
- He was selected to coach the Marysville Baseball Association group of kids. He will be working predominantly with the catchers which he is really looking forward to.

Sandy Langdon:

- Finance Committee will be meeting this Wednesday at 4:30.
- Next Monday will be the TBD Board meeting at 5:30 followed by the Budget Workshop at 6:00. Dinner will be provided.

Grant Weed:

- He attended WSAMA conference last week. Key topics included: public records, taxation, public defender issues, marijuana, employment law, open public meetings act, water rights, ethics, and railroads and railroad law in particular with regard to coal train issues in the Pacific Northwest.
- He stated the need for an Executive Session for ten minutes to discuss two personnel performance issues with no action requested.

Director Nielsen:

- The rain is back and so is the wind. Staff is trying to stay on top of the situation.
- Staff is trying to get striping completed on the overlays as soon as the pavement is dry for a couple days.
- The right lane northbound on Ebey Bridge will be shut down for bridge inspection.
- The Bayview Trail is a great new addition.

Jim Ballew:

- Bayview Trail is a really nice addition. Staff has heard nothing but positive comments about the trail.
- He commended the Public Works crew for their work on the trail.
- Foothills Park is still underway. There have been challenges getting the equipment in good condition.
- Staff has started winterizing facilities.

Kristie Guy had no comments.

Doug Buell:

- The Bayview Trail dedication was videotaped last Friday.
- *City Scene* newsletter was sent out.
- There has been discussion about doing a talk show formatted program with the students at the International School of Communication. They are working on a date to get that together.

Gloria Hirashima stated that staff is continuing to work on the Manufacturing Industrial Center designation. She, Mayor Nehring, Arlington's Mayor and City Administrative Manager went to Tacoma to meet with the Vice Chair of the Puget Sound Regional Council (PSRC) Growth Policy Board to brief him on the proposal. There have been multiple meetings at PSRC, and they are continuing to consider the request. The City is making extra efforts to meet with policy makers to try to show the case for this designation.

Call on Council

Kamille Norton:

- She ran the full loop of the new Bayview Trail. One of the things she likes about the second phase is that it takes advantage of the views of the area. She was happy to see so many people on the trail.
- She asked how many customers are on the once-a-month garbage pick-up plan. Finance Director Langdon offered to find out.

Rob Toyer asked if it is possible to put together a spreadsheet on what other cities do with their garbage to address what was brought up during Public Comments. Director Nielsen indicated staff could compile that.

Michael Stevens stated he has a prior commitment next week so he won't be able to attend the meeting until 7:00.

Jeff Seibert:

- He was asked about access to the waterfront at the slough on the south side of the wastewater treatment plant. Jim Ballew explained that if everything works out as planned they hope to have that portion of the trail completed next year. He offered to give a presentation on the whole trail project when there is time.
- He said he would be curious to find out how long Marysville's garbage service has been mandatory.
- He noted that Snohomish County Solid Waste pays an inordinate amount for illegal dumping. It's a lot easier to put garbage at your curb than to put it in your truck and dump it somewhere.

Donna Wright:

- One of the problems she sees with communities where there is not mandatory service is that people have to lock up their garbage cans. Director Nielsen

concluded and noted that when someone has recycle only the incidence of cross-contamination also increases.

Jeff Vaughan had no comments.

The regular meeting recessed at 8:17 p.m. for five minutes after which time it reconvened into Executive Session for ten minutes to discuss two personnel performance issues with no action requested.

Executive Session

- A. Litigation
- B. Personnel – two items, RCW 42.30.110(1)(g)
- C. Real Estate

Motion made by Councilmember Seibert, seconded by Councilmember Vaughan, to extend Executive Session five minutes to 8:37 pm. **Motion** passed unanimously (6-0).

Executive Session ended and public meeting reconvened at 8:37 p.m.

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:37 p.m.

Approved this _____ day of _____, 2014.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk