

Work Session
December 7, 2015

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, Rob Toyer, Jeff Vaughan

Absent: Donna Wright Michael Stevens

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Commander Jeff Goldman, City Attorney Jon Walker, Public Works Director Kevin Nielsen, Community Development Director Dave Koenig, Fire Chief Martin McFalls and Recording Secretary Laurie Hugdahl.

Mayor Nehring commented that Councilmembers Stevens and Wright were out of town and had requested an excused absence.

Motion made by Councilmember Muller, seconded by Councilmember Vaughan to excuse Councilmember Stevens. **Motion** passed unanimously (5-0).

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to excuse the absence of Councilmember Wright. **Motion** passed unanimously (5-0).

Motion made by Councilmember Muller, seconded by Councilmember Norton, to approve the agenda. **Motion** passed unanimously (5-0).

Committee Reports

None

Discussion Items

1. November 3, 2015 Election Advisory Measure – Placing Ban on Fireworks Discussion

CAO Hirashima noted that at one of the last Council meetings the Council had asked staff to put this on the agenda. She gave some background on this item. City Attorney Walker explained there are several options available to the Council. He stressed that it is importance to have possession as an important part of any ordinance.

Councilmember Muller asked about options available to the Council. City Attorney Walker explained that it is flexible, but he urged the Council to consider the feasibility of enforcement for the police department. If the Council wants to prohibit fireworks it would be important to prohibit the possession, sale, use, or discharge of fireworks. Since the shooting off of fireworks is such an ephemeral, quick action, the possession element would be important. He reminded everyone that a ban can't take effect any earlier than one year from the date the Council enacts the ordinance. Councilmember Muller commented that down in Eugene he visited a 4th of July celebration and fireworks display put on by the fire department which was also a fundraiser. He wondered if something like that might be possible in Marysville.

Councilmember Toyer asked if someone could be ticketed for having fireworks in their car if possession was illegal. City Attorney Walker indicated that police would have discretion, but what they were referring to generally was people who were setting off fireworks and caught with them in their possession.

Commander Goldman added that it is difficult to catch people in the act. Possession is a key component, and this would be up to the discretion of the officer. Education would be critical.

Councilmember Vaughan expressed concern about over-enforcement. Commander Goldman explained that the spirit of the law is important to consider. He commented that over-enforcement serves no productive purpose. Councilmember Vaughan expressed concern about an outright ban, but asked about adding verbiage related to the intent to set fireworks off in Marysville. City Attorney Walker explained that it would make prosecution more difficult. He feels that if the officers feel they have probable cause to write a ticket it is important to have the freedom to do so.

Mayor Nehring commented that all the complaints he has seen have been that police need to enforce more, not less.

Councilmember Muller asked how an outright ban would be different for police. Commander Goldman explained that it would give a clear message to citizens and a

stronger message to officers that education would need to be in place to inform people that fireworks would not be tolerated. He expressed concern about police getting bogged down with too much focus on confiscating fireworks when there are more important and more pressing issues. He spoke to the importance of striking a balance.

Councilmember Norton asked about a partial ban which would allow some things such as sparklers and snakes. Commander Goldman replied that an outright ban would be more clear and enforceable for police.

Councilmember Muller noted that there is a currently a significant expense related to cleanup of fireworks. He asked how a ban could affect the city's ability to ticket people for littering or other things related to cleanup. Commander Goldman explained that this year the police focused their efforts on education and enforcement in parks. With the exception of one park, they ended up spotless this year. He was optimistic that this targeted kind of approach might work well for the future. Director Nielsen added that the cleanup expense for the City is still thousands of dollars.

Councilmember Seibert asked what the next step would be. City Attorney Walker said he would just need clear direction from the Council, and he could draft an ordinance.

Councilmember Muller asked about having the ability to have an emergency ban. City Attorney Walker commented that if the Council wanted the ability to have an emergency ban that should be in the form of an ordinance. Councilmember Muller expressed a desire to have festivities in lieu of private fireworks. There was some discussion about options for this. Councilmember Seibert noted that thousands of dollars would potentially be saved from cleaning up fireworks messes which could be redirected to a display. Councilmember Muller suggested that the Tulalips might be interested in putting on a joint fireworks show.

There was consensus to have City Attorney Walker draft an ordinance with various options and then bring this back for discussion in January.

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

2. Approval of the November 2, 2015 Marysville City Council Work Session Meeting Minutes
3. Approval of the November 9, 2015 Marysville City Council and Marysville School Board Joint Meeting Minutes.
4. Approval of the November 9, 2015 Marysville City Council Meeting Minutes
5. Approval of the November 23, 2015 Marysville City Council Meeting Minutes

Consent

6. Consider Approval of the November 18, 2015 Claims in the Amount of \$638,671.82; Paid by Check Numbers 104042 through 104193 with Check Number 100924 Voided
7. Consider Approval of the November 25, 2015 Claims in the Amount of \$1,799,351.60; Paid by Check Numbers 104194 through 104373 with Check Number 104131 Voided
8. Consider Approve of the December 2, 2015 Claims in the Amount of \$669,160.21; Paid by Check Numbers 104374 through 104497 with No Checks Voided
9. Consider Approval of the November 20, 2015 Payroll in the Amount \$900,636.98; Paid by Check Numbers 29515 through 29547

Review Bids

Public Hearings

New Business

10. Consider the Professional Services Agreement Supplement No. 1 with RH2 Engineering, Inc. for the Water Comprehensive Plan Update

Public Works Director Nielsen explained this is a no cost time extension for the Water Comprehensive Plan. There were no comments or questions.

11. Consider the Grant Agreement with the Department of Ecology Allowing the City to Receive \$50,000.00 in Grant Funding

Director Nielsen stated this grant would help fund the NPDES permit for stormwater.

12. Consider the Grant Agreement with the Department of Ecology Allowing the City to Receive \$296,564.25 in Grant Funding

Director Nielsen explained this grant with DOE would be used for the decant facility. He commended Kari Chenault for getting this grant and the previous one.

13. Consider the Copiers Northwest and Wells Fargo Leasing Agreement for Five Multifunction Copiers

Worth Norton explained that staff would like to continue replacing the fleet of copiers as replacements come up. They have been working out very well.

14. Consider a **Resolution** Adopting a Policy for the Investment of City Funds

Finance Director Langdon explained that the City has contracted with Government Portfolio as advisors to review the City's investment policy. Based on those recommendations, the policy has been rewritten based on GFOA's best practices. There were no comments or questions.

Legal

Mayor's Business

Mayor Nehring:

- Thanks to everyone involved in Merrysville for the Holidays last Saturday. It was a great event with a great crowd.
- He commented that he has asked the AWC to start a committee on homelessness. He commented there is a lot of discussion around the Salt Lake City model of low barrier housing.
- He got a nice note from Lou Olson at Windsor Square who thanked the fire department for the informational tour they conducted and wishing the City a Merry Christmas.

Staff Business

Sandy Langdon had no comments.

Worth Norton noted that staff will be changing out Council's tablets sometime in February.

Dave Koenig had no comments.

Chief McFalls had no comments.

Kevin Nielsen:

- John Cowling has given his resignation and will be moving on as a city engineer for the City of Mountlake Terrace.
- He asked Council for permission to bring a condemnation ordinance for 116th for Marshall next week. He noted that the City got the money for Safe Sidewalks to School, and staff is eager to get moving on that project. There was no objection to the addition of that item.

John Walker:

- He stated the need for an Executive Session to discuss one personnel item for 15 minutes with no action expected.
- He announced it is time to review procedures for Council meetings. This will be coming forward soon. He also recommended reviewing the ordinance that governs behavior at Council meetings. This hasn't been an issue in Marysville, but it has been in some other jurisdictions.

Gloria Hirashima stated that the Fire Agreement will be reviewed next week by the fire commissioners. She would like to put this on the agenda also for discussion next week. There was consensus to bring it forward next week, but if there are any revisions to it by the fire commissioners they will move the discussion to January.

Call on Councilmembers

Rob Toyer had no comments.

Steve Muller:

- He enjoyed the Merrysville for the Holidays. It's a shame it rained so much.
- He asked if someone is monitoring the water level for the Qwuloolt to see if it was consistent with the modeling. CAO Hirashima said they are keeping an eye on it visually, but nothing official is being done.

Kamille Norton asked when the new speed limit signs on Ingraham Blvd would be installed. Director Nielsen replied they would be up this week.

Jeff Vaughan asked if the modeling had considered scouring and the impact on the wood and other debris that has been coming in. Director Nielsen said he didn't think this was covered in the modeling, but explained how it was expected to work. He explained that staff would maintain it if there were any emergencies, but other than that the Corps of Engineers would be in charge of maintenance.

Jeff Seibert:

- He explained that part of the restoration process is for the debris and big trees to come in. It's actually a good thing that this is happening naturally.
- He asked about the signal at 36th and 88th. Director Nielsen said he would follow up. He explained there is a problem with the loop, but they are deciding what to do.
- The cleanup from the storm has been good, but residents at 35th and 97th still have limb debris blocking part of the road. Director Nielsen replied they would be picked up tomorrow.
- He asked about having PUD come pick up their cables off of people's yards. Director Nielsen said he would look into it.

Council recessed at 8:14 p.m. for four minutes and reconvened at 8:18 p.m. into Executive Session to discuss one personnel item for 15 minutes.

Executive Session

- A. Litigation**
- B. Personnel – one item, RCW 42.30.110 (1)(g)**
- C. Real Estate**

Executive session was extended 17 minutes.

Executive session ended and public meeting reconvened at 8:50 p.m.

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:50 p.m.

Approved this _____ day of _____, 2015.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk