

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
<b>Approval of the Agenda</b>	Approved
<b>Committee Reports</b>	
<b>Audience Participation</b>	
<b>Presentation</b>	
Marysville Strawberry Festival Royalty	Held
<b>Approval of Minutes</b>	
Approval of the December 14, 2015 City Council Meeting Minutes	Approved
<b>Consent Agenda</b>	
Consider Approval of the January 5, 2016 Payroll in the Amount \$1,715,172.14; Paid by EFT Transactions and Check Numbers 29614 through 29647	Approved
Consider Approval of the December 31, 2015 Claims in the Amount of \$493,823.01; Paid by EFT Transactions and Check Numbers 105022 through 105144 with No Checks Voided	Approved
Consider Approval of the January 6, 2016 Claims in the Amount of \$816,788.34; Paid by EFT Transactions and Check Numbers 105015 through 105021 with No Checks Voided	Approved
Consider Approval of the January 13, 2016 Claims in the Amount of \$873,800.99; Paid by EFT Transactions and Check Numbers 105145 through 105184 with Check Numbers 104878 and 104948 Voided	Approved
Consider Approval of the December 31, 2015 Claims in the Amount of \$776,581.81; Paid by EFT Transactions and Check Number 105185 through 105384 with No Checks Voided	Approved
<b>Review Bids</b>	
<b>New Business</b>	
Consider the Marysville Historical Society Agreement	Approved
Consider Accepting the Public Safety Building CCTV Repairs and Modernization Project, Starting the 45-day Lien filing Period for Project Closeout	Approved
Consider a Resolution of the City of Marysville Adopting the Updated and Revised Snohomish County Hazard Mitigation Plan	Approved Res. No. 2387
Consider an Ordinance Amending Chapter 9.20 of the Municipal Code, Regulating Fireworks, Prohibiting Possession and Use of Fireworks, and Providing a Process for Licensing Public Displays of Fireworks	Approved Ord. No. 3014
Consider a Resolution of the City of Marysville Supporting Sound Transit Expansion to Everett via Paine Field	Approved Res. No. 2388
<b>Mayor's Business</b>	
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	9:17 p.m.

**Regular Meeting**  
*January 25, 2016*

**Call to Order / Pledge of Allegiance**

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Rick Thiessen of AC3 gave the invocation, and Mayor Nehring 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, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

**Absent:** None

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

**Motion** made by Councilmember Muller, seconded by Councilmember Norton to approve the agenda. **Motion** passed unanimously (7-0).

**Committee Reports**

Jeff Seibert reported on the Wednesday, January 20 Finance Committee meeting where the following items were discussed:

- In 2015 there were 170 public records requests, and approximately 222 hours were spent processing them. In 2014 there were 131 requests and 55 hours spent processing them.
- There was a presentation regarding Open Budget online which will be on the City's website soon.

Michael Stevens reported on the January 20 Marysville Fire District Board of Directors meeting where the following items were discussed:

- New World launched in November. There are still challenges, but these are being identified and resolved.
- Overtime was reduced by about 50% in the month of December.
- Part-time staff members are quickly being hired away by neighboring jurisdictions. New classes are being trained up to fill those vacancies.

## Presentations

### A. Marysville Strawberry Festival Royalty

The following candidates for Marysville Strawberry Festival Royalty gave their introductions and speeches:

- Callie Burkett
- Kennedy Doty
- Emily Gregg
- Kirstin Lindblom
- Abraham Lopez

### B. Employee Services Awards

The following employees were recognized for their service to the City:

- Lori Lumsden – Program Clerk – Utility Office, Public Works – 15 years
- Cori Shackleton – Police Officer – 15 years
- Steve Bryant – WWTP Maintenance Tech 2 – Water Resources, Public Works – 25 years
- David White – Police Officer – 25 years

## Audience Participation

Dena Bittner, Marysville Strawberry Festival, presented Mayor Nehring with the 1996 pin that just came out.

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

### 1. Approval of the December 14, 2015 City Council Meeting Minutes

Councilmember Norton abstained as she was not present at the December 14, 2015 meeting.

**Motion** made by Councilmember Stevens, seconded by Councilmember Muller, to approve the December 14, 2015 City Council Meeting Minutes. **Motion** passed (6-0) with Council President Norton abstaining.

**Consent**

2. Consider Approval of the January 5, 2016 Payroll in the Amount \$1,715,172.14; Paid by EFT Transactions and Check Numbers 29614 through 29647
3. Consider Approval of the December 31, 2015 Claims in the Amount of \$493,823.01; Paid by EFT Transactions and Check Numbers 105022 through 105144 with No Checks Voided
4. Consider Approval of the January 6, 2016 Claims in the Amount of \$816,788.34; Paid by EFT Transactions and Check Numbers 105015 through 105021 with No Checks Voided
5. Consider Approval of the January 13, 2016 Claims in the Amount of \$873,800.99; Paid by EFT Transactions and Check Numbers 105145 through 105184 with Check Numbers 104878 and 104948 Voided
11. Consider Approval of the December 31, 2015 Claims in the Amount of \$776,581.81; Paid by EFT Transactions and Check Number 105185 through 105384 with No Checks Voided

**Motion** made by Councilmember Vaughan, seconded by Councilmember Stevens, to approve Consent Agenda items 2, 3, 4, 5, and 11. **Motion** passed unanimously (7-0).

**Review Bids**

**Public Hearings**

**New Business**

6. Consider the Marysville Historical Society Agreement

Councilmember Muller recused himself from the discussion regarding the Historical Society agreement. CAO Hirashima reviewed the potential funding agreement. The Historical Society has requested \$50,000 in funding from the City and has also offered to allow the City to use the space. The attached agreement would allow the City to use the space for 150 hours per year for five years. It would also provide for overflow parking from Jennings Park on specified days. The Historical Society has indicated the agreement would be workable for them. Staff is recommending approval of the agreement.

**Motion** made by Councilmember Stevens, seconded by Councilmember Toyer, to approve the Marysville Historical Society Agreement.

Councilmember Vaughan commented he believes for matters such as this the Council should have a different way to evaluate whether or not to give funds to different groups. He is concerned that this sets a precedent for other groups to come forward to ask for

funds for similarly worthy causes. He thinks the Historical Society is valuable, but has concerns about the way this came forward. He appreciates that the City gets a value out of this in terms of meeting space and parking space, but because of his concerns about the process will be voting against this item.

**Motion** passed (5-1) with Councilmember Vaughan voting against the motion and Councilmember Muller abstaining.

Councilmember Muller returned to the meeting.

7. Consider Accepting the Public Safety Building CCTV Repairs and Modernization Project, Starting the 45-day Lien filing Period for Project Closeout

Finance Director Langdon explained this is the close out of the project at the Public Safety Building for the jail electronics.

**Motion** made by Councilmember Toyer, seconded by Councilmember Muller, to authorize the Mayor to accept the Public Safety Building CCTV Repairs and Modernization Project, Starting the 45-day Lien filing Period for Project Closeout.

**Motion** passed unanimously (7-0).

8. Consider a Resolution of the City of Marysville Adopting the Updated and Revised Snohomish County Hazard Mitigation Plan

CAO Hirashima explained this is for adoption of the updated and revised Snohomish County Hazard Mitigation Plan. The City has worked with neighboring jurisdictions to update the Plan. The City is included as an annex in the Plan. It is important to adopt a Plan to be able to apply for grants and hazard mitigation assistance.

**Motion** made by Councilmember Wright, seconded by Councilmember Seibert, to adopt Resolution No. 2387. **Motion** passed unanimously (7-0).

9. Consider an Ordinance Amending Chapter 9.20 of the Municipal Code, Regulating Fireworks, Prohibiting Possession and Use of Fireworks, and Providing a Process for Licensing Public Displays of Fireworks

City Attorney Walker stated he had added a table reflecting the phased penalty and amounts as requested by the Council.

*Public Comments:*

Rebecca Lohman, 12819 – 54<sup>th</sup> Avenue NE, Marysville, WA, stated she was disappointed that this ordinance seems to have had such a long life. She recalled that a survey regarding this had been taken way back in 2007. She acknowledged that this is a very difficult decision. She commented on the impacts fireworks have on staff and the community. She asked the Council to take into account the will of the majority of the people in the election.

Robert E. Pearce, 5417 – 80<sup>th</sup> Avenue NE, Marysville, WA 98270, stated he is a veteran and very patriotic. He believes the issue is about bringing illegal fireworks into Marysville. He referred to Chief Smith's comments that an outright ban would be the easiest to enforce. He believes that a ban would have an impact eventually because of the penalties. Regarding a ban affecting the majority for the actions of a few, he noticed that this happens regularly in our lives. He believes the community is fed up with the Council's inaction on this item. There is a clear pattern of repeated hearings, concerns voiced, and actions delayed. He thinks failure to act on this is akin to aiding and abetting criminal activity. He asked the Council to consider if this is an example they want to set for the young people in the community. He feels the time to act is now. He urged the Council to take a vote tonight.

Karen Gower, 910 N. G Street, Tacoma, WA, summarized that bans don't work anywhere that borders tribal lands. If people can't buy state-approved fireworks they will go to the reservations and bring more dangerous and illegal items back to the community. She commented that the advisory vote netted a pro-ban vote by 9.1% which is hardly a mandate. She expressed concern that a rebuttal was not included on the ballot. She noted that since a ban won't work the City will still have to deal with the complaints. Money that used to go to non-profits in the community would now go to the Tribes. She suggested that bans could be more specific such as just a few hours on the 4<sup>th</sup> of July and on New Year's Eve. Regarding the ban in Everett, there was a letter in the newspaper from a woman complaining that the fireworks on the 4th of July and New Years were terrible in Everett.

Danny Richards, 4618 N. 29<sup>th</sup>, Tacoma, WA 98407, spoke on behalf of the non-profits in the community that use fireworks as a fundraiser. While the majority did vote for a ban, He believes that the majority celebrate responsibly. He doesn't think a full ban is a real solution. He recommended more education and modified times when fireworks are allowed. He urged the Council to not pass this amendment to the ordinance.

John O'Hagan, 17731 - 35<sup>th</sup> Avenue NE, Arlington, WA, stated this is Mountain View Church's biggest and only fundraiser. He doesn't believe a full ban will work. He and others have benefitted from the fireworks proceeds by being able to go on mission trips and to summer camps that would not have otherwise been possible. A ban would take away that revenue and the ability to help kids that want to do something good in the world.

Brandon Hart, 9015 – 44<sup>th</sup> Drive NE, Marysville, WA 98270, discussed the impacts of a ban on non-profits. He doesn't think a ban would be effective because Boom City will still be selling fireworks like crazy, but those that are trying to sell fireworks that are regulated and safe will not be allowed to. He stressed that the illegal fireworks are the problem, not the legal ones. He thinks this is a drastic move that may not have the impact that they hope for. He urged the Council to not vote for a ban.

Bob Weiss, 6325 - 83<sup>rd</sup> Avenue NE, Marysville, commented that every year the fireworks get louder and last longer. The impact on a lot of people and pets is not good.

He noted that it is a \$375 fine to pick up an animal from the pound that has run away because of fireworks. He thinks those that are causing the trouble should be the ones to pay for those fines.

Will Brandt, 7915 – 49<sup>th</sup> Street NE, stated that dozens of towns have gone through the same process of banning fireworks and are doing fine. He believes a ban would give police power to enforce the majority of the nuisances. He thanked those on Council who decided to give voters a say. He referred to the election and noted that most of the precincts want a ban. He commented that since the section against the ban for the voter's guide was blank, it indicated a lack of opposition. He urged the Council to follow through with a ban.

Cathy Franzwa, 8017 - 64<sup>th</sup> Drive NE, Marysville, WA, discussed an incident last 4<sup>th</sup> of July where she had been bothered by a lot of fireworks. She walked to an area near her home where for about two blocks people had laid out fireworks. There were hundreds of people with about 100 cars lighting off fireworks while residents were on their roofs with hoses to keep their property safe. Regarding people who use the sale of fireworks as a fundraiser, she stated that there are less obnoxious, less dangerous ways to raise money.

Gary Mackey, 2120 Milwaukee Way, Tacoma, WA, stated that for him celebrating with fireworks is a way to celebrate our country, freedom, and the holiday. He commented on the good things that fireworks do for the community with the proceeds from the sales.

Alice Van Beek, 4129 – 65<sup>th</sup> Street NE, Marysville, WA, said she appreciates tradition, but dreads the fireworks that start at the end of June and continue through July. She stated that this has a negative on relatives that suffer from PTSD as well as her animals. She hopes the Council will consider a ban.

Jack Easterbrook, 11508 - 46<sup>th</sup> Avenue NE, said he doesn't have a problem with fireworks going off as long as they are in a safe spot, not a residential or commercial area. He expressed concern about the impact this has on people who are sensitive to fireworks. He commented on the special measures they had to take with their dogs to calm them. He suggested that the City have designated areas where they can shoot off fireworks away from houses and businesses.

Rebecca Lohman commented she has read the ordinance and it doesn't state that the Council wants to have an outright ban as it still allows for a public display.

Robert E. Pearce asked if the City has the tools to enforce the law. Chief Smith affirmed that the police have the tools to enforce the law right now, but if a ban is enacted it would make it easier.

Cathleen Hamel recalled the little fireworks that the kids used to set off. She stated that Washington DC does not allow people to have fireworks, but they have a magnificent fireworks display. She noted that the City has a tremendous fireworks show following

the Strawberry Festival. She suggested that people could celebrate their traditions by going to the fireworks show in the evening.

Virigina Seaburg, 8700 - 75<sup>th</sup> Drive NE, noted that on the east side and in Seattle they don't allow fireworks, and they are okay with it. She hates the fireworks on the 4<sup>th</sup> of July and is very disturbed by it. She spoke in support of a ban or allowing a designated area where people can go to shoot their fireworks.

## Council Comments:

Councilmember Vaughan disagreed with the assertion that the Council hasn't done anything about this for years. He reviewed the Council's activity related to this matter. He noted that they have shortened a timeframe when fireworks are allowed. There has also been a tremendous increase in the amount of education. This is a tough issue. For him personally, he loves fireworks, but is scared to be away from his home on the 4<sup>th</sup> of July. He wants to have the freedom to have fireworks, but also wants to protect his home and his pets. He noted that the Council is taking this slowly because they recognize the importance of this matter. He thanked everyone for coming out to comment.

**Motion** made by Councilmember Seibert, seconded by Councilmember Muller, to adopt Ordinance No. 3014.

Councilmember Wright agreed that this is a tough decision. She noted that she actually lost a pet on the 4<sup>th</sup> of July. She understands the impact on the youth from fundraising efforts and acknowledged that the money is used for a good cause. The tradition and community aspects of fireworks are very positive. On the other hand this is very traumatic for veterans and pets. The residual mess is also a huge issue. She stated at this point she would be supporting the ban.

Councilmember Muller agreed that this is a difficult and emotional issue. He said he also lost a pet to fireworks in June, even though it was well before the 4<sup>th</sup> of July. The stress from fireworks was too much for his pet. He acknowledged that this would have impacts on fundraising for youth, but this shouldn't be about the money; it should be about the quality of life in Marysville. He noted that it is not only illegal fireworks that are causing the problems. Anything that goes up in the air and makes noise is part of the problem. He thinks a ban would help to control this issue. He acknowledged that it may not totally solve the problem, but it would help rein in the issue. He pointed out that the only ones speaking against this tonight are speaking from the economic side and/or else do not live in the City. The residents that have spoken are in support of a ban unless they have concerns about the money.

Councilmember Stevens discussed positive and negative memories he has of fireworks. He stated that his opinion of this ordinance will come down to public safety. The possession component is a real challenge to enforce without having it in the ordinance. Due to that he feels a ban is the appropriate action.



Councilmember Vaughan noted that the Council hasn't even considered some of the creative ideas suggested by citizens such as a designated spot for fireworks. He expressed concern about the possession component of the proposed ordinance. He commented that law abiding citizens could get into trouble just for having fireworks even if they bought them with the intention of using them in another community where they were allowed. Also, if someone's house was searched or someone was seen with fireworks on the way to somewhere else, they could be cited for having fireworks. He relayed other scenarios of the proposed code. As it is written it causes problems for law abiding citizens who want to go shoot fireworks off somewhere else where they are legal.

Councilmember Muller asked Chief Smith how Councilmember Vaughn's concerns could be alleviated while still providing for enforcement for the police. Chief Smith stated it is the police's intent to only cite someone and charge them for a crime based on intent to shoot off fireworks within the city limits of Marysville. Another scenario would be that someone has already shot fireworks off, and police would be able to charge the citizen and confiscate the fireworks.

Mayor Nehring commented that the police don't even have the time to take care of the illegal fireworks going off. They don't have time to go around searching cars and homes for fireworks. He added that there is a certain amount of trust that has been granted to the law enforcement personnel that they will carry out the laws in a manner that makes sense. This is true for any law that the Council passes because any law could be abused. Chief Smith added that his officers also have a difficult time citing people for fireworks because police officers also have positive memories of watching fireworks. Chief Smith stated that the police will have a common sense approach with the spirit of the law as opposed to the letter of the law. There are indicators that what the police are doing is working to a limited degree. The ban would allow the police to go a little further.

Councilmember Toyer asked if the phone calls police get are on illegal fireworks. Chief Smith said people say they are illegal, but sometimes they are safe and sane fireworks that are being called in. He thinks it is a combination.

Councilmember Norton asked about some different wording they had discussed earlier and why that wouldn't work. City Attorney Walker noted that adding an element of intent to discharge the fireworks would make it harder for the police to cite someone because of the difficulty of proving that someone was actually intending to shoot them off. For this reason a ban would make it easier.

Council President Norton thanked everyone for coming out to share their views and opinions. She said she hopes that it doesn't appear as if she is dismissing the voice of the people. She is open to exploring other options such as a designated area. She noted that the majority of the complaints were regarding activities that are already illegal. She spoke in support of a limited ban that allows things like sprinklers so members of the public can celebrate tradition while still respecting other members of the community.

Councilmember Seibert asked about the requirements for a waiting period. City Attorney Walker noted that any time after the Council enforces a ban they can reconsider or repeal the ordinance, but anything more restrictive than state law would still have a one-year waiting period.

Councilmember Wright stated that as the ordinance is written it does not prohibit groups or organizations from putting on a public display. City Attorney Walker concurred, but noted that there is a process that must be adhered to.

City Attorney Walker clarified that the possession of fireworks would be a civil infraction and would escalate over the years. The sale or transfer of fireworks would be a misdemeanor.

Councilmember Vaughan asked Councilmember Seibert to consider some of the other creative solutions. If not, he would have to vote against the ordinance.

Upon a roll call vote Councilmembers Muller, Stevens, Seibert, and Wright voted in favor of the ordinance, and Councilmembers Norton, Toyer, and Vaughan voted against the ordinance. The **motion** passed (4-3).

10. Consider a Resolution of the City of Marysville Supporting Sound Transit Expansion to Everett via Paine Field

Mayor Nehring reviewed this item.

Councilmember Seibert requested more information before voting. He indicated he had heard there was an argument against this, but wasn't aware of all the details. Mayor Nehring concurred, but noted that the Sound Transit Board was unanimous in their support.

Councilmember Wright asked if this was time sensitive. Mayor Nehring noted that Sound Transit will be voting on this the first week in February. He apologized that he just heard about this last week.

Due to the time constraints, Councilmember Seibert voiced his support for Mayor Nehring's recommendation.

**Motion** made by Councilmember Stevens, seconded by Councilmember Wright, to approve Ordinance 2388.

City Attorney Walker pointed out that references to the Economic Alliance would be changed to the City of Marysville.

**Motion** passed unanimously (7-0).

## Legal

## **Mayor's Business**

- This will be a busy week with legislators at AWC. He is looking forward to those meetings as well as the conference.
- At the Snohomish County Cities Dinner last week, Councilmember Wright was elected to the alternate position with PSRC.
- He will be delivering the State of the City address at the Chamber this Friday morning.
- Thanks to everyone for coming tonight. Thanks to the Council for debating tough issues.

## **Staff Business**

Chief Smith:

- Thanks to the public for coming to weigh in and express themselves on this topic.
- He commended the Strawberry Festival royalty contestants.
- The Public Safety meeting on Wednesday will be cancelled since the Council will be in Olympia.

Sandy Langdon:

- She applauded the royalty candidates that came to speak.
- The Finance Committee received a demonstration of Open Government by Socrata which is a local company. There will be a soft launch tomorrow and a live launch on Thursday.

Jon Walker had no comments.

Kevin Nielsen:

- He met with WSDOT today regarding the SR 529 project, and had a good discussion.
- The City received \$1.5 million plus in grant money as a result of Kari Chenault's grant-writing efforts.
- Steve Muller asked about Marysville's ability to handle major storm events like they are having on the east coast. Director Nielsen noted that if the City got hit like the east coast people would not be going anywhere for several days.

Jim Ballew:

- There will be an employee State of the City address at the Opera House on the morning of February 11. Following that at 6:30 the same night will be a soft opening.
- The first official event at the Opera House will be an all-school jazz festival on February 19.
- Last week staff had the first of three meetings regarding Marysville's 125<sup>th</sup> Birthday Celebration. A lot of people are very interested in celebrating on March 19-20. Anyone who would like to be involved should contact staff.

Chief McFalls had no comments.

Dave Koenig commented that staff will be meeting with Community Transit to discuss the proposed increase in service in Marysville.

Gloria Hirashima had no comments.

**Councilmembers' Business**

Jeff Vaughan had no comments.

Donna Wright had no comments.

Jeff Seibert noted that he was not present at the December 14 meeting and did not mean to vote on the minutes tonight. City Attorney Walker stated that would be reflected in the minutes, and commented it would not affect the outcome.

Michael Stevens reported he was re-elected as Chair of the Marysville Fire District Board. They also wished one commissioner farewell and welcomed a new one.

Rob Toyer had no comments.

Steve Muller:

- He commended the Strawberry Festival candidates for their presentations.
- Last Thursday he and some others went to the Everett Gospel Mission. He was encouraged by this and interested in ways the City might incorporate some of their programs.

Kamille Norton:

- She agreed that was a great meeting. She was struck by the impact that it could have on individuals.
- She loved hearing the royalty candidates.
- She congratulated Kevin Nielsen on the grants.

**Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 9:17 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor  
Jon Nehring

\_\_\_\_\_  
April O'Brien  
Deputy City Clerk