



Regular Meeting
April 11, 2016

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Steve Shertzinger from Resurgence Ministries 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, Community Development Director Dave Koenig, Fire Chief Greg McFalls, Planning Manager Chris Holland, and Recording Secretary Laurie Hugdahl.

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

Committee Reports

Presentations

A. Volunteer of the Month

This was continued to April 25 Meeting.

B. Sergeant Oath of Office

Chief Smith introduced Pat Connelly and presented the Sergeant's Oath of Office to him.

Approval of Minutes

1. Consider the March 14, 2016 City Council Meeting Minutes

Motion made by Councilmember Norton, seconded by Councilmember Muller, to approve the minutes from the March 14, 2016 Council Meeting. **Motion** passed unanimously (7-0).

Consent

2. Consider the March 23, 2016 Claims in the Amount of \$667,347.81; Paid by EFT Transactions and Check Numbers 106952 through 107106 with Check Numbers 94561, 96173 and 100692 Voided
3. Consider the March 18, 2016 Payroll in the Amount \$1,076,040.36; Paid by EFT Transactions and Check Numbers 29773 through 29801
8. Consider the Professional Services Agreement Supplement No. 2 with RH2 Engineering, Inc. for the Water Comprehensive Plan Update
10. Consider Accepting the State Avenue Corridor Improvements (116th St NE to 136th St NE) Project with RRJ Company LLC, Starting the 45-Day Lien Filing Period for Project Closeout

Motion made by Councilmember Wright, seconded by Councilmember Toyer, to approve Consent Agenda items 2, 3, 8, and 10. **Motion** passed unanimously (7-0).

Review Bids

Public Hearings

4. Community Development Block Grant (CDBG) – Program Year 2014 Annual Action Plan Amendment

Chris Holland explained this is an amendment to the 2014 Annual Action Plan. There was approximately \$75,000 of unexpended funds. The Citizens Advisory Committee recommended five additional projects for funding including: the Jennings Memorial Barn Renovation (bathrooms), Boys & Girls Club heating project, Boys & Girls Club paving project; Boys & Girls Club ceiling project; and City of Marysville Public Works – SR 528 Pedestrian Improvement. The Citizens Advisory Committee is recommending approval of the amendments to the 2014 Annual Action Plan and that any comments received at the public hearing be incorporated.

The hearing was opened at 7:14 p.m. Public comments were solicited. Seeing none, the hearing was closed at 7:14 p.m.

Motion made by Councilmember Wright, seconded by Councilmember Toyer, to approve the Community Development Block Grant (CDBG) – Program Year 2014 Annual Action Plan Amendment and to direct staff to provide a summary. **Motion** passed unanimously (7-0).

5. Community Development Block Grant (CDBG) – Program Year 2015 Annual Action Plan Amendment

Chris Holland explained this is for amendment to the 2015 Annual Action Plan. There was approximately \$100,000 of unexpended funds that the Citizens Advisory Committee is recommending reallocating \$75,388 to the SR 528 Pedestrian Project and \$24,540 to the Homeless Housing Allocation (for future projects).

The hearing was opened at 7:16 p.m. Public comments were solicited. Seeing none, the hearing was closed at 7:16 p.m.

Motion made by Councilmember Muller, seconded by Councilmember Norton, to approve Community Development Block Grant (CDBG) – Program Year 2015 Annual Action Plan Amendment. **Motion** passed unanimously (7-0).

6. Community Development Block Grant (CDBG) – Program Year 2016 Annual Action Plan

This is for the 2016 Annual Action Plan. The City received \$368,000 in funds for the Community Development Blog Grant Program. The Citizens Advisory Committee had presentations from all the applicants and is recommending funding for the City of Marysville Comeford Park Pavilion, Senior Services of Snohomish County Minor Home Repair Project, and the City of Marysville Homeless Housing Allocation for capital projects. For public services, the Citizens Advisory Committee is also recommending funding Senior Services of Snohomish County Meals on Wheels, Catholic Community Services Volunteer Chore Services, Housing Hope Beachwood Apartments, and Marysville Community Food Bank Food for Thought Backpack Program. Remaining funds will be used for planning and administration.

The hearing was opened at 7:18 p.m. Public comments were solicited. Seeing none, the hearing was closed at 7:18 p.m.

Motion made by Councilmember Norton, seconded by Councilmember Muller, to approve the Community Development Block Grant (CDBG) – Program Year 2016 Annual Action Plan. **Motion** passed unanimously (7-0).

New Business

9. Consider the Review of Business Licensing and Home Occupation Permit Fees and Direct Staff to Prepare the Necessary Documents to Eliminate the Home Occupation Permit Fee and Change the New Business License Fee to \$65.00

Community Development Director Dave Koenig explained staff is looking for direction from the City Council related to home occupation permit fees. He reviewed the current fees and explained staff's recommendation is to do away with the fee for the home occupation but increase all new license fees from \$50 to \$65 and keep the current annual renewal at \$40. He explained the cost increase from \$50 to \$65 for new license fees is more in line with actual costs.

Councilmember Seibert asked City Attorney Walker if he should leave the room since his wife operates a home business. City Attorney Walker replied that since it was a general rule it would not be necessary.

Motion made by Councilmember Wright, seconded by Councilmember Stevens, to Direct Staff to Prepare the Necessary Documents to Eliminate the Home Occupation Permit Fee and Change the New Business License Fee to \$65.00 **Motion** passed unanimously (7-0).

Mayor Nehring thanked Councilmember Vaughan for bringing this to our attention.

Legal

11. Review of Council Procedures

City Attorney Walker solicited comments from Council regarding any changes they wanted to see related to Council Procedures. The five primary topics under consideration included the selection, term and role of the Council President; committee assignments; the process of developing the agenda; parliamentary procedure in the context of Council meetings, and conflict of interests.

Councilmember Wright referred to page 10 under the code of Ethics, item (10) and noted there had been discussion about eliminating "any". City Attorney Walker agreed and explained this may be an item to look at further. Councilmember Seibert asked if this should be limited to just Marysville's ordinances and resolutions or if it should be expanded to county and state ordinances and resolutions as well. City Attorney Walker commented that ultimately removal of someone from their Council duties would be up to the Council. Council could put procedures in place to admonish or censure a member of the Council for their conduct. Councilmember Seibert asked if a felony would make someone ineligible for office. City Attorney Walker said he would look into that.

Mayor Nehring noted that under item (11) under Code of Ethics, "his" should be corrected to "his/her"

Councilmember Norton expressed concern about how the agenda is put together. She thinks it would be good to have some Council input in planning the agendas for the

meetings. Councilmember Vaughan agreed. He also recommended looking at the procedures in light of how it would affect Councils in the future and not just the existing members.

Councilmember Seibert asked what type of participation Councilmember Norton and Vaughan would like to see. Councilmember Norton asked staff for an explanation of how the agenda is currently put together. Mayor Nehring explained that there is a weekly staff meeting where the agenda is discussed. All the items are done by an agenda item bill by department directors. Then the city clerk puts together a draft agenda for staff to review at the staff meeting. If a Councilmember were to ask for something to be on the agenda it would automatically be put on the agenda.

Councilmember Wright explained that historically the Council President/Mayor Pro Tem was able to see the agenda before it was done. Councilmember Vaughan reviewed the current rules related to Council members getting items put on the agenda. He noted it would be good to have it be a little more formal.

Councilmember Seibert asked if they were okay with the way staff items get put on the agenda. Councilmember Vaughan thought it would be helpful for representatives of the Council to have a heads up of what is coming up to have more time to contemplate issues, especially more complex or controversial items. Councilmember Seibert agreed it could be good to make the process a little more formal for councilmembers getting items put on the agenda. He expressed concern about having one or two councilmembers being able to block items from getting on the agenda.

Mayor Nehring explained the Committee system is one way that staff lets the Council know about upcoming needs and agenda items, but it doesn't include a review of the actual agenda itself. He offered to meet with the Council President to review the draft agenda either before or after the staff meeting.

Councilmember Muller noted that there is supposedly a form in place which is mentioned in the Council Rules, but it isn't being utilized.

Councilmember Wright commented that historically there weren't work sessions held where upcoming agendas are reviewed. This happens now and is one way that Council is informed.

Councilmember Vaughan commented that there is an item for Approval of the Agenda at the beginning of the agenda. Council also receives the agenda several days in advance and has a chance to review it prior to the Council meeting. He noted that the Council used to meet with some regularity to discuss short and long-term plans for the City. They haven't done that recently. It might be useful to meet regularly as a Council to have a strategy meeting. Mayor Nehring agreed and noted that staff has discussed this also.

Councilmember Norton asked about the form referred to in the Rules. CAO Hirashima indicated that staff would provide one to Council.

There was discussion about the process. Councilmember Muller recommended that after the form is submitted it could be sent to the other councilmembers somehow so that a motion could be made. City Attorney Walker explained that according to the current rules, the form is only to be used to let other councilmembers know that a motion will be made at the next Council meeting. Councilmember Muller felt that was adequate.

Councilmember Wright noticed several cities also have a vice president. She thought that could be nice to have. City Attorney Walker agreed they could do that. The way the rules are currently written, if both the Mayor and the Council President are gone, the remaining Councilmembers would select someone to preside over the meeting. Councilmember Vaughan asked City Attorney Walker for options Council would have should there be a need for it. City Attorney Walker said he would look to see how other cities handle this.

Councilmember Wright asked what would happen if there is an incapacitation of a councilmember. City Attorney Walker commented that currently the Council can either excuse it or not excuse absences. After three unexcused absences a councilmember could be removed. Councilmember Wright expressed a preference for something that wasn't so personal. City Attorney Walker indicated he would look into options.

Councilmember Vaughan noted under current rules under Absences per RCW, a Councilmember shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council.

Councilmember Stevens agreed that it would be good to have something that didn't require the Council to not excuse absences. Councilmember Vaughan agreed that this can be a difficult scenario, but having Council excuse or not excuse absences allows some discretion for each situation.

Councilmember Seibert asked about City Attorney Walker's recommendations related to:

- Special Meeting Notices – City Attorney Walker explained that most cities have only five council members, but Marysville has seven. The rules are that three members could call a special meeting, but the Open Public Meetings Act says it has to be a majority, which would be four members, for the presiding officer or the Mayor to be required to call a meeting. He recommended removing the language which makes it mandatory for the Mayor to call a special meeting when three members request it, but allow him/her to exercise discretion.
- Conduct of Business, Parliamentary Procedures – City Attorney Walker explained this is a Council preference. From a legal standpoint he is satisfied with the way things are.

Councilmember Vaughan explained that Roberts Rules also cover how an agenda should be put together and how items are put on it. He thinks the Council follows it

pretty well. There have been some occasions where there have been some slipups with the rules and some people weren't able to comment or there wasn't discussion when there should have been. Mayor Nehring noted that a pretty robust training would be required if the Council desired to follow Roberts Rules. Councilmember Vaughan noted it would just be good to have an awareness of the general rules.

Councilmember Muller referred to Meeting Dates on page 13 (c) and noted that this needs to be revised to accurately reflect that the third Monday there is no meeting and the first Monday is a work session. There was discussion about the fact that the meeting being "suspended" allows it to remain available if a meeting is needed.

Councilmember Norton asked for discussion about the way committee assignments are made. Councilmember Seibert explained that when there was more turnover on the Council the assignments had to be reviewed every two years. Councilmember Vaughan explained that if someone wants to be on a committee that goes to the Council President who would bring it up before the rest of the Council. That could happen at any time, but typically it is revisited every couple years. He said he was comfortable with the way things are as long as everyone understands there are opportunities for people to change or switch.

City Attorney Walker indicated that Conflicts of Interest and Code of Ethics might be a large enough topic to discuss separately, if desired. Councilmember Norton asked if there is an Ethics Board. City Attorney Walker wasn't aware of one currently, but one would be assembled if needed.

There was consensus to have staff to bring back revisions for Council consideration at the May work session.

Mayor's Business

Mayor Nehring commented that Snohomish County Cities Dinner will be on April 21 in Everett. Let Leah know if you will be attending.

Chief Smith commented he enjoys the promotion ceremonies.

Finance Director Langdon had no comments.

Kevin Nielsen informed Council that Public Works hired a new Project Manager.

Jim Ballew:

- He referred to a letter he distributed to Council from Premier Golf identifying the total level of discounts in 2015 committed through golf revenue. This is part of the record of their required summary reports.
- Mother-Son Superhero Dance will be held this weekend.

Chief McFalls had no comments.

Dave Koenig had no comments.

CAO Hirashima:

- She gave an update on the agreement with the Fire District. The City is still waiting the final signed document. There was discussion about having a good will meeting to formally start off on the agreement and discuss timeframes. Staff is working hard at putting together information to consider options. Staff is also looking at moving forward on waterfront issues and police and jail facilities. Those are all being considered as Council considers the fire issue.
- She commented on the need to have a Council retreat possibly in September to have Council discuss long-term strategies.

Staff Business

Jon Walker stated the need for an Executive Session related to real estate with no action expected for five minutes.

Call on Councilmembers

Jeff Vaughan had no comments.

Donna Wright noted that PDC F1s are required by Friday.

Jeff Seibert:

- He brought up an issue with the way his iPad interacts with the website.
- He asked if staff is aware of the homeless camp east of Hagggen's. Chief Smith indicated that they are and are working on that and others. Councilmember Seibert asked if the City owns that property. Director Nielsen replied that the City owns a small part of it, but offered to follow up. Councilmember Seibert noted that the County Assessors map says that the City owns it.
- He asked for an update on how the 116th Street project went over the weekend. Director Nielsen said he heard it was pretty successful, but there were a few complaints.

Michael Stevens invited everyone to a rally put on by Citizens for Marysville Schools this Saturday.

Rob Toyer had no comments.

Steve Muller had no comments.

Kamille Norton:

- Thanks to Jon Walker for putting together the information about procedures.
- She asked if the City needs more volunteers for Clean Sweep which is this week. Director Ballew thought they were covered.

Adjournment

Council recessed for five minutes from 8:36 p.m. to 8:41 p.m. before reconvening in Executive Session to discuss one real estate item for five minutes with no action expected.

Executive Session

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

Executive session extended three minutes.

Executive session ended and public meeting reconvened at 8:49 p.m.

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:49 p.m.

Approved this _____ day of _____, 2016.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk