

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Excuse the absence of Councilmember Norton	Approved
Approval of the Agenda	Approved
Committee Reports	
Audience Participation	
Presentation	
Employee Services Awards: Dave Hall – 10 Years, Athletic Coordinator	Presented
Volunteer of the Month for May: Comcast (Comcast Cares)	Presented
Approval of Minutes	
Consider Approval of the May 2, 2016 City Council Work Session Minutes	Approved
Consider Approval of the May 9, 2016 City Council Meeting Minutes	Approved
Consider Approval of the May 13, 2016 City Council Special Meeting Minutes	Approved
Consent Agenda	
Consider Approval of the May 18, 2016 Claims in the Amount of \$1,686,421.82; Paid by EFT Transactions and Check Numbers 108271 through 108449 with No Checks Voided	Approved
Consider Approval of the May 25, 2016 Claims in the Amount of \$426,555.94; Paid by EFT Transactions and Check Numbers 108450 through 108629 with Check Number 91441 Voided	Approved
Consider Approval of the June 1, 2016 Claims in the Amount of \$1,578,312.67; Paid by EFT Transactions and Check Numbers 108630 through 108806 with No Checks Voided	Approved
Consider Approval of the May 20, 2016 Payroll in the Amount \$932,206.62; Paid by EFT Transactions and Check Numbers 29891 through 29935	Approved
Consider Approval of the Supplemental Agreement No. 1 to the Professional Services Agreement between the City of Marysville and Gray & Osborne, Inc. Consultants	Approved
Consider Approval of the Special Event Permit Application for Marysville Downtown Merchants Association to Conduct a Special Event on July 9, 2016, including the Street Closure of 3rd Street between State Avenue and Union Avenue, as well as Columbia Avenue between 2nd Street and Half Way Down 3rd Street	Approved
Consider Approval of the Annexation Boundary for Circulation of the 60% Petition, and the Annexation Boundary should be Subject to the City's Bonded Indebtedness, Comprehensive Plan and Zoning	Approved
Consider Approval of the Four Firework Stand Permit Applications Submitted by TNT Fireworks and Approve the One Firework Stand Permit Application Each Submitted by Jake's Fireworks, Inc., Park Ridge Community Church/Shock N Awe Fireworks, and Western Fireworks	Approved
Consider Approval of the Professional Services Agreement with Mayer/Reed for the Ebey Waterfront Park Project. The Contract	Approved

Provides Design Development and Construction Documents for Landscape and Signage Elements of this Project.	
Consider Approval of the Amendment No. 1 to Interlocal Cooperation Agreement for the Housing of a Mobile Command Vehicle	Approved
Consider Approval of the June 3, 2016 Payroll in the Amount \$1,687,233.20; Paid by EFT Transactions and Check Number's 29938 through 29987 with Check Number 29238 Voided and Reissued with Check Numbers 29937 and Check Numbers 29936 Voided Due to Initiator Error	Approved
Review Bids	
Public Hearings	
New Business	
Consider an Ordinance Amending Marysville Municipal Code (MMC) Section 6.24.050 Defining Public Nuisances; Providing for Severability and Effective Date	Continued
Consider an Ordinance Amending Marysville Municipal Code (MMC) Sections 5.02.040 Regarding Business License Application Procedures; 5.02.070(1) Regarding Business License Fees – Penalty; 22G.030.050 Regarding Home Occupation Fees; and Amending MMC Section 22A.010.160 General Administration, related to Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date	Approved Ord. No. 3021
Consider an Ordinance Relating to the Production, Processing, and Distribution of Marijuana, Amending Sections 6.24.050, 22A.020.040, 22A.020.140, 22A.020.190, 22A.020.220, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, and 22A.010.160 of the Marysville Municipal Code	Approved Ord. No. 3022
Consider an Ordinance Amending Chapter 2.80 Of The Municipal Code, Clarifying the Role of the Ethics Board and Updating Definitions	Approved Ord. No. 3023
Consider a Resolution Related to Procedures for the Conduct of Business at Council Meetings, and Repealing Resolution No. 2342	Approved Res. No. 2396
Legal	
Mayor’s Business	
Consider Approval of the Reappointment to Salary Commission: Tom King	
Consider Approval of the Appointment to Salary Commission: Robert Lovato	
Staff Business	
Call on Councilmembers	
Adjournment	8:46 p.m.
Executive Session	8:51 p.m.
Real Estate – Four items	
ACTION EXPECTED	Approved
Adjournment	9:00 p.m.

Regular Meeting

June 13, 2016

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Victor Rodriguez 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, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

Absent: Kamille Norton

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Jon Walker, Public Works Director Kevin Nielsen, Community Development Director Dave Koenig, Fire Chief Martin McFalls, Planning Manager Chris Holland, and Recording Secretary Laurie Hugdahl.

Mayor Nehring noted that Councilmember Norton had informed them she would be out of town and requested an excused absence.

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

Approval of the Agenda

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

Committee Reports

Donna Wright reported on the Public Safety Committee meeting which met on May 25. She announced that Marysville is the 47th safest city in Washington. She commended the property crimes unit for recovering \$282,000 worth of items. There will be a budget amendment from the Municipal Court. There has been an assessment on the jail. The custody unit is recommending changes. The Committee also received a presentation about the needs of the department in the future.

Jeff Seibert reported on the June 3 Public Works Committee meeting where there was a discussion of capital facility charges. There is one category that appears to be out of whack with the rest of the bills so there will be an item coming forward soon about that. The tour of the asphalt plant was really interesting.

Presentations

Audience Participation

Ron Friesen, 4714 – 124th Place NE, Marysville, requested help in cleaning up aging, neglected neighborhoods especially in the newly annexed northern part of Marysville. He expressed frustration that the current code enforcement regulations do not work. This lowers property values and invites crime into the neighborhood. He noted that repeated calls to code enforcement seem to produce useless action and no result. The property on 123rd is a prime example of this, but there are many more. His research has revealed four problems for the Council to address. The first one is being addressed tonight under item 13. Three more recommendations include: the use of abatement to solve the problem, more resources for code enforcement, and more authority for code enforcement officers to issue citations on violations they see.

Charles Smith, Marysville, WA, spoke regarding a parking issue in his neighborhood. He expressed frustration about a car that has been parked in front of his house for two years. He stated that a handicapped sticker is being used to keep the car parked there. He has spoken to the owner, other neighbors, and the police, but nothing has happened.

CAO Hirashima agreed this is an unfortunate situation. She explained that state law allows cars with disabled parking permits to not be time-limited in parking. Staff has drafted a municipal code that they plan to bring to the Council at the next meeting which would place time restrictions on parking on city streets even for those with disabled permit parking. Staff is proposing seven days as the proposed time restriction.

Councilmember Muller asked if there is a difference between a handicapped placard and handicapped plates as far as time limits. City Attorney Walker explained that there is not.

Approval of Minutes

1. Consider Approval of the May 2, 2016 City Council Work Session Minutes

Councilmembers Stevens and Toyer noted they were absent at the meeting and would not be voting.

Councilmember Seibert referred to page 3 of 9, paragraph 5, and noted that *Sears Tower* should be corrected to **SERS** Tower.

Motion made by Councilmember Wright, seconded by Councilmember Seibert, to approve the May 2, 2016 City Council Work Session Minutes. **Motion** passed (4-0) with Councilmembers Toyer and Stevens abstaining.

2. Consider Approval of the May 9, 2016 City Council Meeting Minutes

Councilmember Seibert referred to roll call, and noted that the motion to excuse Councilmember Wright should be seconded by Councilmember Toyer, not Councilmember Wright.

Motion made by Councilmember Stevens, seconded by Councilmember Muller, to approve the May 9, 2016 City Council Meeting Minutes with the correction regarding Councilmember Wright's absence. **Motion** passed unanimously (6-0).

3. Consider Approval of the May 13, 2016 City Council Special Meeting Minutes

Councilmember Muller noted that under *Also Present* "Becky Berg" should be corrected to "Dr. Becky Berg".

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to approve the May 13, 2016 City Council Special Meeting Minutes as amended. **Motion** passed.

Consent

4. Consider Approval of the May 18, 2016 Claims in the Amount of \$1,686,421.82; Paid by EFT Transactions and Check Numbers 108271 through 108449 with No Checks Voided
5. Consider Approval of the May 25, 2016 Claims in the Amount of \$426,555.94; Paid by EFT Transactions and Check Numbers 108450 through 108629 with Check Number 91441 Voided
6. Consider Approval of the June 1, 2016 Claims in the Amount of \$1,578,312.67; Paid by EFT Transactions and Check Numbers 108630 through 108806 with No Checks Voided

DRAFT

7. Consider Approval of the May 20, 2016 Payroll in the Amount \$932,206.62; Paid by EFT Transactions and Check Numbers 29891 through 29935
8. Consider Approval of the Supplemental Agreement No. 1 to the Professional Services Agreement between the City of Marysville and Gray & Osborne, Inc. Consultants
9. Consider Approval of the Special Event Permit Application for Marysville Downtown Merchants Association to Conduct a Special Event on July 9, 2016, including the Street Closure of 3rd Street between State Avenue and Union Avenue, as well as Columbia Avenue between 2nd Street and Half Way Down 3rd Street
10. Consider Approval of the Annexation Boundary for Circulation of the 60% Petition, and the Annexation Boundary should be Subject to the City's Bonded Indebtedness, Comprehensive Plan and Zoning
11. Consider Approval of the Four Firework Stand Permit Applications Submitted by TNT Fireworks and Approve the One Firework Stand Permit Application Each Submitted by Jake's Fireworks, Inc., Park Ridge Community Church/Shock N Awe Fireworks, and Western Fireworks
12. Consider Approval of the Professional Services Agreement with Mayer/Reed for the Ebey Waterfront Park Project. The Contract Provides Design Development and Construction Documents for Landscape and Signage Elements of this Project.
17. Consider Approval of the Amendment No. 1 to Interlocal Cooperation Agreement for the Housing of a Mobile Command Vehicle
18. Consider Approval of the June 3, 2016 Payroll in the Amount \$1,687,233.20; Paid by EFT Transactions and Check Number's 29938 through 29987 with Check Number 29238 Voided and Reissued with Check Numbers 29937 and Check Numbers 29936 Voided Due to Initiator Error

Motion made by Councilmember Wright, seconded by Councilmember Toyer, to approve Consent Agenda items 4-12, 17, and 18. **Motion** passed unanimously (6-0).

Review Bids

Public Hearings

New Business

13. Consider an **Ordinance** Amending Marysville Municipal Code (MMC) Section 6.24.050 Defining Public Nuisances; Providing for Severability and Effective Date

City Attorney Walker explained this is intended to address backyard nuisances to require them to be screened from public view.

Councilmember Seibert asked if there is a more reasonable expectation of privacy in the backyard than the front yard. City Attorney Walker explained that there is generally more, but it depends on the layout of the property. Councilmember Seibert commented that looking in someone's backyard does not seem appropriate, and a reasonable person wouldn't think they would have to worry about their neighbor looking out the window and watching them do activities. City Attorney Walker noted that reasonable expectation of privacy has to do with government intrusion, not a neighbor's view.

Councilmember Vaughan asked what circumstances would have to be in effect in order for enforcement to happen in the backyard. City Attorney Walker replied that it would require either a warrant or an invitation from a neighbor's home. Councilmember Vaughan asked if *junk* is defined in the code. City Attorney Walker said it was not. A dictionary definition would be used. Councilmember Vaughan asked about different interpretations of junk. City Attorney Walker noted that there would be some discretion used by a code enforcement officer, but ultimately it would be decided by a judge. Councilmember Vaughan asked how these types of cases have gone in the past. City Attorney Walker said he hasn't researched that, but thought a judge would take it on a case-by-case basis. He acknowledged that it might vary from one judge to another. Councilmember Vaughan asked if unused animal pens or cages would include crab pots. City Attorney Walker was not certain. Councilmember Vaughan asked about "insect enclosures." City Attorney Walker thought that referred to beehives. Councilmember Vaughan noted that the last revision to the Nuisance Code was in 2011 in response to a certain property in the city. He asked how those code changes helped to accelerate the cleanup of that particular property. CAO Hirashima reviewed the reasons for the changes made in 2011. She noted that it wasn't really a satisfactory resolution on that site because a lot of the issues were only visible to neighbors. Councilmember Vaughan asked how many properties are currently being looked at that this would apply to. Planning Manager Holland noted that there is just one that it would apply to at this time.

Councilmember Muller asked about the abatement provisions. City Attorney Walker recommended that if the City was to go onto the property to clean it up they should get a warrant of abatement in order to do it safely.

Councilmember Seibert expressed concern about people calling a code enforcement officer over minor issues or if they aren't happy with their neighbor. He said he didn't agree with imposing these regulations over the whole city just because of two properties in the city. City Attorney Walker replied that it is seen as a tool to deal with those difficult situations, but acknowledged that this was an important discussion.

Councilmember Vaughan discussed concerns he had about this related to personal property rights. He spoke in support of neighbors helping neighbors who might need it. He commended Mayor Nehring's work he has done to clean up the City. He commented on his difficulty with the ambiguity of the word *junk*. He also was not comfortable with a

code enforcement officer going onto an adjacent property to view someone else's backyard.

Councilmember Stevens asked if it would be helpful to add language to give discretion to the code enforcement officer. He stated he was not comfortable with parts of this. He wasn't sure if it needs to be more generic or more specific.

Councilmember Muller stated this is an example of a small percentage of the population driving code changes and restrictions on everyone else. He noted that a lot of this could be solved with some conversations. He expressed concern about this making a larger problem than they started with.

Chief Smith stated that with any enforcement from law enforcement or code enforcement discretion is used even if the code is very specific. He stated that generally what the City is going for is compliance. He agrees it is a delicate balance, but stressed that the police exercise discretion in everything they do.

Councilmember Seibert asked about instances where a group of neighbors took action against a neighbor. City Attorney Walker noted that an individual could file a complaint with the Superior Court. The prosecutor's office would only get involved if they were representing a public client. In a public nuisance situation, a group of people could take an action against someone. Councilmember Seibert thought that this would have been a better avenue for the person who has been fighting this for years. He asked if this information could be presented to the concerned neighbors. He didn't think they even knew that was an avenue available to them.

CAO Hirashima noted that staff could go back and research alternative options and language.

Councilmember Seibert stated he couldn't support this as it is now. He recommended defining "accumulations". He also recommended having the screening view from adjacent properties be at grade level. He commented that in driving around the city he saw many places where there were code violations in the front yard that must not have been concerns to the neighbors because they were still there and no complaints were filed. He was surprised at what he saw.

Councilmember Stevens agreed about refining "accumulation". He also expressed concern about the specific language which could imply that anything in those lists would be cited. He thought a less specific list would be better.

Councilmember Muller suggested putting parameters in place like they do with impervious surfaces. City Attorney Walker replied there would be challenges with enforcing percentages and heights because they would have to get into the property to measure it.

Motion made by Councilmember Toyer to adopt Ordinance No. 3021. The **motion** died for lack of a second.

There was consensus to bring this back with different terminology either to the July or the September work session.

14. Consider an **Ordinance** Amending Marysville Municipal Code (MMC) Sections 5.02.040 Regarding Business License Application Procedures; 5.02.070(1) Regarding Business License Fees – Penalty; 22G.030.050 Regarding Home Occupation Fees; and Amending MMC Section 22A.010.160 General Administration, related to Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date

Director Koenig stated that this removes a fee for the home occupation license and changes the new business license fee from \$50 to \$65 which reflects the true cost of processing.

Motion made by Councilmember Stevens, seconded by Councilmember Muller, to adopt Ordinance No. 3021. **Motion** passed unanimously (6-0).

15. Consider an **Ordinance** Relating to the Production, Processing, and Distribution of Marijuana, Amending Sections 6.24.050, 22A.020.040, 22A.020.140, 22A.020.190, 22A.020.220, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, and 22A.010.160 of the Marysville Municipal Code

Planning Manager Holland explained that in July the recreational and medical marijuana rules will be under the same umbrella. This created a gap in Marysville’s current regulations which would allow for marijuana cooperatives. What is proposed is language to show that cooperatives are not allowed and to change the definitions of the Municipal Code to reference those that are in the RCW. It would also make it a public nuisance if you are not in compliance with the marijuana rules and regulations.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to adopt Ordinance No. 3022. **Motion** passed unanimously (6-0).

16. Consider an **Ordinance** Amending Chapter 2.80 Of The Municipal Code, Clarifying the Role of the Ethics Board and Updating Definitions

City Attorney Walker stated that this is the ordinance that staff brought to the work session. It would give Council the authority to form an ethics board as needed or for any period of time that the Council desires. It would remove the ethics board’s ability to give advisory opinions. It also adds some procedural safeguards for councilmembers to ensure that they receive a fair hearing.

Motion made by Councilmember Vaughan, seconded by Councilmember Muller, to adopt Ordinance No. 3023. **Motion** passed unanimously (6-0).

20. Consider a **Resolution** Related to Procedures for the Conduct of Business at Council Meetings, and Repealing Resolution No. 2342

City Attorney Walker stated that this adds the censure procedures that the Council discussed last time. It also fixes the special meetings so that four members of the Council can direct the Mayor to call a special meeting.

Councilmember Seibert noted there are three types of meetings listed. He asked how a visioning meeting or retreat would fit into these descriptions. City Attorney Walker replied they would be special meetings. Councilmember Seibert recommended adding a new section that would cover retreats. He recommended a six-month lead time and that it be discussed an open council meeting at least twice before a date is set.

Councilmember Vaughan expressed concern about Councilmember Seibert's recommendation limiting flexibility. He suggested that those concerns could be handled in a different way.

Motion made by Councilmember Vaughan, seconded by Councilmember Stevens, to adopt Resolution No. 2396. **Motion** passed unanimously (5-1) with Councilmember Seibert voting against the motion.

Legal

Mayor's Business

19. Consider Approval of the Reappointment to Salary Commission: Tom King

Motion made by Councilmember Wright, seconded by Councilmember Seibert, to approve the reappointment of Tom King to the Salary Commission. **Motion** passed unanimously (6-0).

21. Consider Approval of the Appointment to Salary Commission: Robert Lovato

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to approve the appointment of Robert Lovato to the Salary Commission. **Motion** passed unanimously (6-0).

Other Mayor's Business:

Mayor Nehring had the following comments:

- There was a very encouraging meeting on Saturday that Marysville H2O put on. This is a group trying to tackle the issue of homelessness in the community. They were very pleased with the decision that the City made to assist with the MESH program.
- He and the Chief Smith are on a joint consolidation committee with SnoPac, SnoCom and SERS to look at combining these organizations. The initial talks are looking to see if there are efficiencies to be gained.
- He thanked the Historical Society for their hospitality today.

- He wished everyone a wonderful Strawberry Festival week. He is looking forward to all the events.

Staff Business

Chief Smith:

- He is very glad the Mayor is part of the consolidation committee.
- The stats that were given to the Council were from 2012, but in 2014 Marysville was the 36th safest city in the state.
- Police are getting ready for Strawberry Festival.
- He commented on recent violence in Orlando. He told people that if they see something, they should say something. It is important to help each other out. Councilmember Muller asked about issues with the New World system. Chief McFalls concurred that there were numerous communication issues. Chief Smith stated that some of this is to be expected and it is important to be able to adjust.

Sandy Langdon:

- There is a Finance Committee scheduled for this Wednesday.
- The auditors left the building last Thursday. The exit conference will be on June 28 at 2:00.

Jon Walker stated the need for an Executive Session to discuss four items regarding the acquisition of real estate expected to last ten minutes with probable action.

Kevin Nielsen:

- There will be modifications to the traffic circles at 92nd.
- Public Works has started overlays and pavement repairs around town.

Chief McFalls wished everyone a fun, festive and safe Strawberry Festival.

Dave Koenig:

- Planning Commission meeting tomorrow night will be looking at standards for properties that wish to subdivide but do not have sewer. They will also have a presentation from Affordable Housing Alliance.
- He congratulated the Mayor on the article about his daughter in the paper.

Gloria Hirashima stated that the Executive Office and Finance Department are working on a proposal to bring to the Council regarding the expenditures of the criminal justice sales tax if that were to pass.

Call on Councilmembers

Jeff Vaughan had no further comments.

Donna Wright:

- The Snohomish Health District will be meeting tomorrow. One of the issues on the agenda is the 0.2% on the ballot with 40% coming back to the cities. The proposal is that from the 40% that the city would get that each city in the county would be assessed a \$2 per capita assessment to go to the Health District.
- AWC will be meeting in Everett the week after next.

Jeff Seibert had no further comments.

Michael Stevens had no further comments.

Rob Toyer had no further comments.

Steve Muller:

- He wished everyone a happy Strawberry Festival Week.
- He will not be at the Public Works meeting on July 1. Public Works Director Nielsen asked about just having it in September. There was consensus to do that.
- He will not be able to attend the meeting on the 27th.

Adjournment

Council recessed 8:45 p.m. for five minutes before reconvening in Executive Session at 8:50 for ten minutes until 9:00 to discuss four items regarding the acquisition of real estate.

Executive Session

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

Executive session ended and public meeting reconvened at 9:00 p.m.

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to authorize the Mayor to sign the settlement agreement for ROW and TCE with Chambers as presented. Motion passed unanimously (6-0).

Motion made by Councilmember Muller, seconded by Councilmember Wright, to authorize the Mayor to sign the settlement agreement for ROW and TCE with Knowles as presented. Motion passed unanimously (6-0).

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to authorize the Mayor to sign the settlement agreement for ROW and TCE with Marysville School District as presented. Motion passed unanimously (6-0).

DRAFT

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to authorize the Mayor to sign the Purchase and Sale Agreement between CamNell Properties LLC and the City of Marysville as presented. Motion passed unanimously (6-0).

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:00 p.m.

Approved this _____ day of _____, 2016.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk