

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Approval of the Agenda	Approved
Committee Reports	
Presentations	
Employee Services Awards: <ul style="list-style-type: none"> Christopher Brown, IS Computer Network Administrator – 10 Years Jillian Schiessl, Legal Confidential Administrative Assistant – 15 Years Allen Backstrom, Parks Maintenance Worker II – 30 Years 	Presented
Volunteer of the Month – September 2016 – The Grove Church	Presented
Community Beautification	Presented
Audience Participation	
Approval of Minutes	
Presentations	
Consent Agenda	
Consider the September 7, 2016 Claims in the Amount of \$1,001,074.66; Paid by EFT Transactions and Check Numbers 110935 through 111057 with no Checks Voided	Approved
Consider the September 14, 2016 Claims in the Amount of \$289,100.38; Paid by EFT Transactions and Check Numbers 111058 through 111143 with Check Numbers 98971, 107027 & 107269 Voided	Approved
Review Bids	
Consider Awarding the Sunnyside Safe Routes to School Contract with Northend Excavating Inc., in the Amount of \$179,492.85 Including Washington State Sales Tax and Approve a Management Reserve of \$20,000 for a Total Allocation of \$199,492.85	Approved
Public Hearings	
New Business	
Consider the Local Agency State Aid Project Prospectus and Local Agency Supplemental Funding Agreement with WSDOT thereby Securing Construction Funding for the Sunnyside Elementary Safe Routes to School Project	Approved
Consider the Interlocal Agreement with the Snohomish Regional Drug & Gang Task Force	Approved
Consider the Professional Services Agreement with RH2 Engineering, Inc. for the 560 Zone Booster Pump Station	Approved
Consider the Former Geddes Marina Interim Action Project, Starting the 45-day Lien Filing Period for Project Closeout	Approved
Consider the Annual Support Agreement and License Agreement for Munis Software in the Amount of \$70,014.23	Approved
Consider an Ordinance Authorizing the Condemnation, Appropriation, Taking, Damaging and Acquisition of Land and Other Property for the Purpose of Widening 1st Street	Approved Ord. No. 3033
Consider an Ordinance Authorizing the Condemnation, Appropriation,	Approved

Taking, Damaging and Acquisition of Land and Other Property for the Purpose of Making Pedestrian and Bicycle Improvements to Establish Safe Routes to School for 116th St NE and Payment therefore from Transportation Benefit District Fund 114	Ord. No. 3034
Consider a Resolution Declaring Certain Equipment Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof	Approved Res. No. 2405
Legal	
Mayor's Business	
Staff Business	
Call on Councilmembers	
Adjournment	9:20 p.m.
Executive Session	9:25 p.m.
Real Estate – Two items	
Adjournment	9:30 p.m.
Closed Session	



Regular Meeting
September 26, 2016

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Dennis Niva 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, and Recording Secretary Laurie Hugdahl.

Approval of the Agenda

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

Committee Reports

None

Presentations

A. Employee Services Awards

The following employees received service awards:

- Christopher Brown, IS Computer Network Administrator – 10 Years
- Jillian Schiessl, Legal Confidential Administrative Assistant – 15 Years
- Allen Backstrom, Parks Maintenance Worker II – 30 Years

B. Volunteer of the Month

Volunteer of the Month – September 2016 – The Grove Church was recognized for its service to Marysville including “I Heart Marysville Week” and other service projects including spreading mulch and play chips, weeding and improving public areas, scrubbing and cleaning the skate park, removing dangerous limbs and cleaning up after storms, mulching Strawberry Fields for Rover Trail, and picking up after Strawberry Festival.

C. Community Beautification

CAO Hirashima gave an update on the Community Beautification Grant. The program was initiated in 2015 with the idea of assisting neighborhoods in doing cleanup and beautification projects throughout the community to foster pride in local neighborhoods. This ties into the City’s overall priorities by supporting neighborhood beautification and cleanup projects to improve the image and livability of neighborhoods and improve the quality of life. Grants were awarded to six neighborhoods in 2015 for 2016 projects: Tuscany Ridge, Kellogg Village, 102nd Place NE, Rolling Green Estates, Sunnyside Estates, and Otter Creek. She summarized each project and displayed pictures of the improvements.

CAO Hirashima reviewed feedback she received from staff on the program. There was a suggestion by staff to allow a higher award for some projects. Overall this was a very successful program. Staff felt that this program could cumulatively enhance the quality of life and sense of wellbeing of our citizens and make Marysville an even more attractive place to live, work, and play. Staff also recommended having a set amount of money each year. There was a recommendation by staff to consider matching requirements. Director Ballew reviewed his experience with the program and spoke highly of it. He and his staff enjoyed working with people on these projects, and people were really grateful. Director Nielsen explained he and his staff worked with people on storm ponds. Those projects included an educational piece as well as a beautification and a water quality issue. He would love to see this program continue. CAO Hirashima indicated staff is collecting a list of people interested in applying during the next cycle. She noted there is a fair amount of interest in this program out there. Staff is recommending increasing funding for the program from \$25,000 to \$50,000 for a 2017 Community Beautification Grant application period to neighborhoods to apply for funding to be used in 2017. They also recommend allowing a maximum award of \$7,500 for larger neighborhood projects, or \$5,000 if the neighborhood has previously applied for the program

Councilmember Muller asked if there was a need to break the funds out between continuation grants and new grants. CAO Hirashima indicated they could look into that.

Audience Participation

Bruce Bell, 3113 Rockefeller Avenue, Everett, WA 98201, spoke regarding item 9, condemnation. He stated that he represents the first lien holder. He stated that if the condemnation goes through, the lien holder is expecting to be paid the fair market value for the property.

Mark Johnson, 12433 - 48th Drive NE, Marysville, WA 98271 spoke regarding the code enforcement budget. He urged the City to increase funding for code enforcement and abatement. He reviewed photos of areas of concern in the city. He urged the City to order abatement and deal with these issues. Increasing the budget is necessary for any meaningful improvement.

Ron Friesen, 4714 – 124th Place NE, Marysville, WA, stated he has become a thorn in the City's side because of four junk cars in his neighborhood that he has been trying to get removed for a year. Since then he has discovered many problems with code enforcement. He spoke regarding a code enforcement progress report he had compiled. He summarized that after researching the issues around the city they have determined that Marysville has the weakest code enforcement code of all surrounding cities. He stated that the glamor of city events and the need for improvement to streets, parks, and commercial development has overshadowed the problem of neighborhood neglect. He pointed out that the police and research confirms that criminal activity is attracted to neighborhoods in poor condition without regard of the income level of residents. He asserted that unlike police, code enforcement has no accountability. He claimed that there is no policy, guidance, or standards for enforcement. He expressed frustration that only after citizen urging are police starting to help clear vehicles stored on the right of way. He stated that code enforcement has failed to enlist police help, and police are not proactive. He noted that right of way information is easily obtained at public works, but is not being accessed. The MMC and RCW provisions regarding junk vehicles are ignored. He urged the City to do more abatement. Mr. Friesen stated that people who care and can leave are leaving, and neighborhoods are dying. He urged the City to overhaul the code to fix defects.

Mayor Nehring noted that Mr. Johnson referred to a number of issues that have been put into the pipeline that may be overwhelming the system. He stated that he had emailed Mr. Friesen this week regarding the 14 submissions that have recently been submitted by one or both of them. He referred to the statement that Marysville has the weakest code enforcement around and it is doing nothing. He summarized that of those 14 submissions, eight have been brought into voluntary compliance. Three others are in the citation and court process at varying levels. He stated that the City does use and has used abatement process before. That determination is made toward the end of the process whether they should go toward criminal or abatement based on the recommendation of the city attorney or others with specific expertise. He added that two other submissions have been given some more time. He discussed how the City reasonably works with the property owners who they believe are acting in good faith. He

noted that one property has been sold, and staff is trying to track down the owner which can be very difficult.

Regarding being proactive, Mayor Nehring recalled how Chief Smith and the command staff came to the Council with a plan on how to put a team together to proactively clean up a part of the city that was run down and responsible for 1/5 of the crime of the city. Now the crime rate in the downtown area is in the single digits. Similarly staff has been proactive at addressing issues in the Lakewood Crossing area where they met with business owners and put an emphasis on that area and cleaned it up. He commented that on the tour they took regarding code enforcement they saw some of the properties that resulted in some of the submissions that are currently in the system. He acknowledged the value of public comments, but commented that there also needs to be a big picture view of keeping the community clean and safe.

He concluded that a lot of staff and council members have been working on these issues for years. He expressed appreciation to community members who have indicated a willingness to come alongside and help. He recalled Councilmember Vaughan and Seibert's work on graffiti several years ago which resulted in a program for graffiti eradication which is a model for other cities. Clean Sweep Week was an idea of staff's about five years ago. It includes public right-of-way areas, but also reaches into neighborhoods or residences. There have also been some private Marysville neighborhood improvement awards that have been recognized. Finally, he stated that there is accountability with the code enforcement staff. There are an inordinate number of code enforcement matters coming in, but Director Koenig is reporting regularly to Mayor Nehring on those matters. Code enforcement staff has indicated they work together as a team in conjunction with police. They are working hard to address the recent backlog. He thanked Mr. Johnson and Mr. Friesen for their input.

Mohammad Zubeidi, 4302 116th St NE, Marysville, WA 98271, expressed concern that the City wants to tear down trees in his front yard to put in a little stretch of sidewalk. He commented that his house has been burglarized, and privacy is important to him. He expressed concern that he received a letter stating the City was condemning his property.

City Attorney Walker clarified that the City is not interested in condemning Mr. Zubeidi's house, but is exercising its eminent domain power to build a sidewalk. This is a right-of-way take for a temporary construction easement. It only impacts the portion of the property that is necessary for the project. Mayor Nehring suggested that Mr. Zubeidi meet with City Attorney Walker to discuss this matter further.

Councilmember Muller stated that sometimes people have had screening replaced in similar situations. Mr. Zubeidi replied that has not been discussed with him. Councilmember Muller also recommended sitting down with the City Attorney to discuss this. Director Nielsen said that in the past in these types of situations the City has worked with property owners to discuss screening and other issues. He noted that when they do condemnations like this there are often tax benefits for the property owners. He stated that this is part of the Safe Routes to School Grant. Mr. Zubeidi stated that his

greatest concern is his privacy because he is right on the road. Director Nielsen also offered to meet with Mr. Zubeidi.

Matthew Kuntz, 1510 – 1st Street, stated that his house is one of the ones in this condemnation effort today. He commented that the street will be widened and some of the houses will be removed. He asked why they weren't running the street behind the houses where there would be less of an impact. CAO Hirashima reviewed the project and the need for the entire lot. Mr. Kuntz commented on the unpleasantness of the situation and the process. He expressed concern about the person who approached him with the fair market value offer.

Jill Edgar, 1624 – 1st Street, expressed frustration about the lack of communication from the City and the way the condemnation process happened.

John Edgar, 1624 – 1st Street, expressed concern about the process and questioned the timeline. He wondered why they were getting condemnation letters now when other people are moving in and told they will be able to stay until April 2018. He expressed concern about the lack of communication. He stated they have requested permission to stay until the spring when their daughter graduates from high school. CAO Hirashima said she would call the Edgars to follow up on that.

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

Consent

1. Consider the September 7, 2016 Claims in the Amount of \$1,001,074.66; Paid by EFT Transactions and Check Numbers 110935 through 111057 with no Checks Voided
2. Consider the September 14, 2016 Claims in the Amount of \$289,100.38; Paid by EFT Transactions and Check Numbers 111058 through 111143 with Check Numbers 98971, 107027 & 107269 Voided

Motion made by Councilmember Vaughan, seconded by Councilmember Stevens, to approve Consent Agenda items 1 and 2. **Motion** passed unanimously (7-0).

Review Bids

3. Consider Awarding the Sunnyside Safe Routes to School Contract with Northend Excavating Inc., in the Amount of \$179,492.85 Including Washington State Sales Tax and Approve a Management Reserve of \$20,000 for a Total Allocation of \$199,492.85

Director Nielsen explained this is a grant-funded project. He explained it is about 600 feet of curbs, gutters, and sidewalks as it relates to Sunnyside Elementary.

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to award the Sunnyside Safe Routes to School Contract with Northend Excavating Inc., in the Amount of \$179,492.85 Including Washington State Sales Tax and Approve a Management Reserve of \$20,000 for a Total Allocation of \$199,492.85. **Motion** passed unanimously (7-0).

Public Hearings

New Business

4. Consider the Local Agency State Aid Project Prospectus and Local Agency Supplemental Funding Agreement with WSDOT thereby Securing Construction Funding for the Sunnyside Elementary Safe Routes to School Project

Director Nielsen stated that this is the prospectus to fund the Safe Routes to School project.

Motion made by Councilmember Norton, seconded by Councilmember Wright, to approve the Local Agency State Aid Project Prospectus and Local Agency Supplemental Funding Agreement with WSDOT thereby Securing Construction Funding for the Sunnyside Elementary Safe Routes to School Project. **Motion** passed unanimously (7-0).

5. Consider the Interlocal Agreement with the Snohomish Regional Drug & Gang Task Force

Chief Smith stated that this is a renewal. The only change is in dates. It is being extended to go from October to the end of September.

Motion made by Councilmember Seibert, seconded by Councilmember Stevens, to approve the Interlocal Agreement with the Snohomish Regional Drug & Gang Task Force. **Motion** passed unanimously (7-0).

6. Consider the Professional Services Agreement with RH2 Engineering, Inc. for the 560 Zone Booster Pump Station

Director Nielsen explained that the City is creating a new zone called the 560 Zone. There is an area up by Highway 9 that needs a booster pump station. He reviewed the need for the booster pump station.

Motion made by Councilmember Vaughan, seconded by Councilmember Norton, to authorize the Mayor to sign and execute a Professional Services Agreement with RH2 Engineering, Inc. for the 560 Zone Booster Pump Station. **Motion** passed unanimously (7-0).

7. Consider the Former Geddes Marina Interim Action Project, Starting the 45-day Lien Filing Period for Project Closeout

Director Nielsen stated that this is starting the 45-day lien period. It was considered a cleanup project with a Brownfields grant.

Motion made by Councilmember Toyer, seconded by Councilmember Muller, to authorize the Mayor to accept the Former Geddes Marina Interim Action Project, Starting the 45-day Lien Filing Period for Project Closeout. **Motion** passed unanimously (7-0).

8. Consider the Annual Support Agreement and License Agreement for Munis Software in the Amount of \$70,014.23

IT Manager Worth Norton explained that this is exactly the same as last year with a slight inflation increase.

Motion made by Councilmember Muller, seconded by Councilmember Stevens, to approve the Annual Support Agreement and License Agreement for Munis Software in the Amount of \$70,014.23. **Motion** passed unanimously (7-0).

9. Consider an **Ordinance** Authorizing the Condemnation, Appropriation, Taking, Damaging and Acquisition of Land and Other Property for the Purpose of Widening 1st Street

City Attorney Walker stated that this Ordinance is the first step in the condemnation process if the City is unable to reach a voluntary agreement with the property owners. The City prefers to resolve these without condemnation. He noted that construction would not begin until 2018, but given the size of the project and complexities involved, it is important to have these matters settled.

CAO Hirashima reviewed this process. She explained that a new timeline had been provided to the neighborhood in June. The City anticipates and hopes that all of these can be done through a negotiated process.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to adopt Ordinance No. 3033. **Motion** passed unanimously (7-0).

10. Consider an **Ordinance** Authorizing the Condemnation, Appropriation, Taking, Damaging and Acquisition of Land and Other Property for the Purpose of Making Pedestrian and Bicycle Improvements to Establish Safe Routes to School for 116th St NE and Payment therefore from Transportation Benefit District Fund 114

City Attorney Walker stated that this is similar to the prior item. Director Nielsen added that the City will try to work with the property owners to handle screening and other concerns.

Motion made by Councilmember Vaughan, seconded by Councilmember Toyer, to adopt Ordinance No. 3034. **Motion** passed unanimously (7-0).

11. Consider a **Resolution** Declaring Certain Equipment Items of Personal Property to be Surplus and Authorizing the Sale or Disposal Thereof

Director Nielsen stated that this is for the surplus of a 20-year old tractor and a mower. The City will be selling them and purchasing new ones.

Motion made by Councilmember Muller, seconded by Councilmember Toyer, to adopt Resolution No. 2405. **Motion** passed unanimously (7-0).

Legal

Mayor's Business

Mayor Nehring had the following comments:

- Thanks to Councilmember Norton for doing such a great job chairing the last meeting.
- Congratulations to Director Nielsen and his crew for the Marysville Wastewater Treatment Plant receiving their Wastewater Treatment Plant Outstanding Performance Award.
- United Way's Day of Caring recently was a great day. Staff donated time to get the MESH houses ready to go, and many community members also donated time and supplies. The City also kicked off its United Way campaign.
- The Fire District Service Awards Ceremony was a great event. A group of Lake Stevens and Marysville firefighters received the Phoenix Award for lifesaving efforts on an individual.
- He and Mayor Stephanson welcomed the USS Sampson over at Naval Station Everett. He commented that Marysville, Everett and Lake Stevens are areas that are well thought of in the naval community.

Staff Business

Chief Smith:

- He reminded everyone about the Public Safety Committee Meeting on Wednesday where there will be some honored guests.
- He wants citizens to know that partnerships are very important to the City. He thanked Commander Goldman for his work in partnering with a group of concerned citizens recently.

Sandy Langdon reminded everyone about the Finance Committee Meeting on Tuesday at 4:30.

Jon Walker stated the need for an Executive Session to discuss two items concerning acquisition of real estate with action taken on one of those. There will also be a Closed Session. The time for the Executive Session was expected to be 5 minutes.

Kevin Nielsen:

- He announced that the trail is paved on Phase 1.
- Staff is currently demoing a house on 1st Street.
- Thanks to the Police for their Northern Lights efforts.
- The City received BNSF permits for grade crossing so work can begin on proceed.

Jim Ballew:

- The trail surface has been put down. The community is very anxious to get on the trail; however, the second phase is out to bid. There will be a bid opening in mid-October which will include safety elements, fencing, landscaping, and signage. The City is asking citizens to be patient until it's complete.
- October will be very busy with many community and family events. Tonight was the first old movie run at the Opera House.

Dave Koenig:

- Community Development has been very busy as previously noted.
- Regarding Code Enforcement, he stated that they are spreading the load to the appropriate department when possible. As part of that the website will be changed, so issues are directed to the appropriate department immediately and not necessarily funneled through code enforcement staff.
- Council has expressed concerns about the language on the door hanger so this has been changed to be friendlier.
- He referred to the examples shown by Mr. Johnson during Audience Participation tonight and noted that some of those are long-term code enforcement issues. He commented that staff is at least as frustrated about those situations as the citizens are. He explained that when citizens don't want to comply it takes a long time to get them into compliance, even with abatement efforts.
- He gave examples of ways that Code Enforcement is coordinating with other agencies and departments.

Gloria Hirashima stated she believes Code enforcement is working very hard to handle the complaints that are coming to them. Like the Mayor indicated, the response to the codes filed is really outstanding. She commented that they almost always have voluntary compliance in a very timely fashion. She suggested getting the message out to encourage citizens to file complaints so these issues can be addressed. The system that the City has with complaint-driven code enforcement is pretty much the norm. She added that there was not a backlog prior to the last month when a huge volume of complaints was filed. She thinks the code enforcement officers are doing a great job right now, but they also are discouraged because of all the criticism and all the time they are spending revisiting cases that have been closed and justifying decisions. She noted that all the departments are working together well on these matters.

Call on Councilmembers

Jeff Vaughan:

- He expressed appreciation to those who came in to comment tonight. He also expressed appreciation for the feedback regarding communication.
- He thanked staff for updating the door hangers.
- He got a view of the new trail recently from the water. He noted that it is very popular already, and will be really nice when it is complete.

Donna Wright stated that there is trouble with the Snohomish Health District budget. She reviewed the things that the Health District does for the community. She spoke in support of increasing funding to the Health District. She also noted that Dr. Goldbaum has given notice that he is retiring in March.

Jeff Seibert had no comments.

Michael Stevens expressed appreciation to staff and code enforcement for working hard to address code enforcement issues. He thanked the public for their interest and involvement in the City.

Rob Toyer had no comments.

Steve Muller expressed appreciation to everyone for their work on the code enforcement.

Kamille Norton:

- She thanked those who came to address the Council tonight.
- She asked if the City is able to respond on social media to some issues when appropriate. Connie explained that the City is able to respond, but they have to consider how widespread the concern is and the effect a response would have. Her general response is to monitor public conversation, but generally only respond if there is an important or blatant error that needs to be addressed.
- She attended one of the heroin community meetings that the Health District put on. It was very well attended. It was obvious that this is an issue that plagues our community and that people are desperate to find answers to. She appreciated them putting that meeting on.

Adjournment/Recess

Council was adjourned at 9:20 p.m. for a five-minute recess before reconvening in Executive Session for five minutes followed by a Closed Session.

Executive Session

A. Litigation

B. Personnel

C. Real Estate – two items, RCW 42.30.110 (1)(b)

Executive Session ended and public meeting reconvened at 9:30 p.m.

Motion made by Councilmember Muller, seconded by Councilmember Norton, to authorize the Mayor to sign the settlement agreement with Marysville School District on the Sunnyside Safe Routes to School Project. Motion passed unanimously (7-0).

Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 9:30 p.m.

Council went into a closed session under RCW 42.30.140 (4) to discuss contract negotiations/collective bargaining.

Approved this _____ day of _____, 2016.

Mayor
Jon Nehring

April O'Brien
Deputy City Clerk