

Regular Meeting
September 5, 2017

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

Roll Call

Chief Administrative Officer Hirashima gave the roll call. The following staff and councilmembers were in attendance.

Mayor: Jon Nehring

Council: Steve Muller, Kamille Norton, Jeff Seibert, Rob Toyer, and Donna Wright

Absent: Michael Stevens, Jeff Vaughan

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Jon Walker, Community Development Director Dave Koenig, Fire Chief Martin McFalls, Assistant Public Works Director Kerri Chenault, Communications Officer Connie Mennie, and Recording Secretary Laurie Hugdahl.

Motion made by Councilmember Toyer, seconded by Councilmember Norton, to excuse the absence of Councilmembers Stevens and Vaughan. **Motion** passed unanimously (5-0).

Motion made by Councilmember Wright, seconded by Councilmember Muller, to approve the agenda and to waive normal work session rules in order to take action on Consent Agenda items 3-8. **Motion** passed unanimously (5-0).

Committee Reports

None

Presentations

None

Discussion Items

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

1. Consider the July 10, 2017 City Council Meeting Minutes
2. Consider the July 24, 2017 City Council Meeting Minutes

Action Consent Items

3. Consider the July 26, 2017 Claims in the Amount of \$611,902.10; Paid by EFT Transactions and Check Numbers 118298 through 118481 with No Checks Voided
4. Consider the August 2, 2017 Claims in the Amount of \$845,000.80; Paid by EFT Transactions and Check Numbers 118482 through 118670 with Check Number 117345 Voided
5. Consider the August 9, 2017 Claims in the Amount of \$1,268,384.91; Paid by EFT Transactions and Check Numbers 118671 through 118811 with No Checks Voided
6. Consider the August 16, 2017 Claims in the Amount of \$962,765.81; Paid by EFT Transactions and Check Numbers 118812 through 118939 with Check Number 111715 Voided
7. Consider the August 23, 2017 Claims in the Amount of \$591,463.48; Paid by EFT Transactions and Check Numbers 118940 through 119110 with no Checks Voided
8. Consider the August 4, 2017 Payroll in the Amount \$1,797,306.88; Paid by EFT Transactions and Check Numbers 30987 through 31027

Motion made by Councilmember Muller, seconded by Councilmember Norton, to approve Consent Agenda items 3 through 8. **Motion** passed unanimously (5-0).

Consent

9. Consider the August 18, 2017 Payroll in the Amount \$1,008,137.81; Paid by EFT Transactions and Check Numbers 31030 through 31067 with Check Number 31028 and 31029 Voided

Review Bids

Public Hearings

New Business

10. Consider an Ordinance Approving, with Conditions, Transfer of Ultimate Control of a Franchisee from Wave Holdco, LLC to Radiate Holdco, LLC (Action will be Requested at the September 25, 2017 City Council Meeting)

City Attorney Walker explained that Wave has been purchased by another entity so this would transfer the existing Wave franchise to Radiate Holdco, LLC. Due to statute this item will come before Council at two separate meetings before asking for action from Council.

11. Consider Termination of Reserved Utility Easement and the Termination of Drainage Easement, recorded under AFN 200209130616

Community Development Director Koenig explained that easements are no longer needed because of the way the development has provided right of way in other locations. This would terminate those easements.

12. Consider the Program Year 2016 Consolidated Annual Performance and Evaluation Report and Direct Staff to Provide a Summary of, and Response to any Comments Received During the Public Hearing into the Report, and Forward to the U.S. Department of Housing and Urban Development

Community Development Director Koenig reviewed the Consolidated Annual Performance and Evaluation Report which is an annual review that the City is required to do for Community Development Block Grants.

13. Consider Acceptance of the Grove Street Improvements Project with SRV Construction, Inc., Starting the 45-Day Lien Period for Project Closeout

Assistant Public Works Director Kerri Chenault stated that this relates to project acceptance for a paving project done on Grove Street.

14. Consider the PUD Strategic Energy Management Funding Agreement for Wastewater Energy Coaching with Snohomish County PUD

Assistant Director Kerri Chenault explained that that this relates to the City working with PUD to help identify areas to help reduce power consumption at the Waste Water Treatment Plant.

15. Consider the Emergency **Resolution** Waiving Compliance with the City's Normal Bidding and Procurement Process for Addressing the City's Wastewater Treatment Plant Operations.

Assistant Director Chenault stated that when maintenance was being done on sand filters at the Waste Water Treatment Plant they noticed there was a failure to the stainless steel support brackets in the facility. Replacement parts were quickly ordered to resolve the problem and stay in compliance with regulations. This item requests that the Council approve the order due to the emergency nature of situation.

Councilmember Muller asked if the cause of the failure has been determined. Assistant Director Chenault replied that they thought it was just the timing. Staff plans to look at some other areas too in order to determine if there are other issues.

16. Consider an **Ordinance** Amending Chapter 5.02 of the Marysville Municipal Code (MMC) Governing Business Licenses and Adding a Section Providing for Summary Suspension of Business Licenses

City Attorney Walker explained that this would update an antiquated system the City currently has in its code for revoking or suspending business licenses. This would enable the Community Development Director to suspend or revoke a business license rather than going through a Hearing Examiner process. It still allows for an appeal process through the Hearing Examiner. It also provides for summary suspension in case it is ever needed.

17. Consider an Ordinance Amending Marysville Municipal Code (MMC) Chapter 14.07 to Provide Reimbursement for Certain Capital Improvement Projects or a Credit against Capital Improvement Charges

Assistant Director Chenault explained that this would provide a way to reimburse or provide credit for projects or portions of projects for developers who do projects above and beyond what is needed for their facility.

Councilmember Muller thought that this was already being done. CAO Hirashima explained that the City currently does this through recovery contracts, but this would allow the City to also give credits against Capital Improvement Charges.

Legal

None

Mayor's Business

18. Consider Appointment to Civil Service: Brad Thompson
19. Consider Appointment to Salary Commission: Brad Thompson
20. Consider Reappointment to Planning Commission: Tom Thetford

Other Mayor's Business:

Mayor Nehring:

- He announced that the Waste Water Treatment Plant won an award for the Outstanding Waste Water Treatment Plant of 2016. He read a letter from Department of Ecology commending the City and presented the letter to Kerri Chenault.
- Touch a Truck will be held this Saturday at 10 a.m.

Staff Business

Chief Smith:

- He and the Mayor are working on the SnoPac/SnoCom consolidation. They have an Interlocal Agreement that has been drafted, but is still in the review process. He thanked the Mayor for his work on this group.
- Police have been busy this summer. Code enforcement has also been busy answering complaints and getting things done.
- School is starting. Watch driving in school zones.

Sandy Langdon welcomed everyone back.

Dave Koenig:

- The Village Restaurant may be starting cleanup this week. The City has issued a demolition permit. They will be cleaning the site completely. The restaurant has moved across the street.
- A demolition permit has also been issued for a burned out house on Shoultes.
- Mayor Nehring thanked Director Koenig for the report as these have been ongoing issues in the community. Director Koenig commended John Dorcas for his work on this.

Chief McFalls welcomed everyone back.

- The Fire Department had fun with Slay the Slough and Handmade and Homegrown. They are looking forward to Touch-a-Truck.
- He gave an update the huge number of fires in the Pacific Northwest.
- He invited Council to attend the annual Fire Barbecue and Service Awards at 6:00 on September 20 at Station 16.

Tara Mizell:

- Basketball registration is going on right now.
- Lots of activities are going on at the Opera House this month.
- Touch a Truck is happening this weekend.
- The Spray Park will remain open on the weekends through the end of September.
- The barbecue shelter is open at Comeford Park. Thanks to Morning Rotary Group for their work on that.

Kerri Chenault noted that there will be a barbecue for crews at 11:30 the day before Touch-a-Truck. She invited Council to attend.

Councilmember Seibert asked about the Conservation District issue. Kerri Chenault replied that she didn't think it had been brought before County Council yet. She offered to follow up with the Conservation District for an update. Councilmember Muller stated that he talked with someone and was told that they don't want to go before County Council with the letter they got from the Marysville. He thinks they will try to request a presentation with Council. Kerri Chenault offered to get in touch with them about getting on the agenda.

Jon Walker stated the need to address five items for Executive Session – two items related to the purchase of real estate, one related to leasing property, one related to potential litigation, and a collective bargaining negotiations agreement with action expected on three items and expected to last 15 minutes.

Gloria Hirashima had no additional comments.

Call on Councilmembers

Rob Toyer had no comments.

Jeff Seibert reported that he talked to a former employee at United Electric in Everett who said that they stopped bidding small works in Marysville because of the issues related to plan review. He requested that someone from the City contact them to find out more about this and bring back information to the Council. He noted that the City of Bellingham went through a similar issue and changed their code.

Donna Wright welcomed everyone back.

Kamille Norton:

- The barbecue shelter looks great.
- She commented on the tragic situation in Houston and noted the importance of being prepared.

Mayor Nehring welcomed Peter back from Washington D.C.

Connie Mennie:

- She commented that on 9/11 the Fire District will be leading a 9/11 ceremony at 8:30 a.m. at the library.
- Next Thursday, the Chamber, the City, and Coastal Community Bank will be hosting a small business summit at the Opera House.

Adjournment

Council adjourned the regular meeting at 7:38 p.m. and recessed for five minutes.

Reconvenement

Council reconvened into Executive Session and Closed Session at 7:43 p.m. for 15 minutes to address five items – two items related to the purchase of real estate, one related to leasing property, one related to potential litigation, and a collective bargaining negotiations agreement with action expected on three items and expected to last 15 minutes.

Executive Session

- A. Litigation – one item, RCW 42.30.110(1)(i)
- B. Personnel – one item, RCW 42.30.140(4)(a) – Closed Session
- C. Real Estate – three items, RCW 42.30.110(1)(b) and 42.30.110(1)(c)

Executive Session ended and public meeting reconvened at 7:58 p.m.

Motion made by Councilmember Toyer, seconded by Councilmember Seibert to waive the rules and permit action be taken on three items. Motion passed unanimously.

Motion made by Councilmember Seibert, seconded by Councilmember Norton, to authorize the Mayor to sign a lease with Abhe and Suoboda for the Welco site.

Motion made by Councilmember Muller, seconded by Councilmember Seibert, to authorize the Mayor to sign a purchase and sale contract with Elizabeth Petersen for 1526 1st Street.

Motion made by Councilmember Muller, seconded by Councilmember Wright, to Authorize the Mayor to sign the retention letter with Michael Dunning of Perkins Coie.

Adjournment

The meeting was adjourned at 7:58 p.m.

Approved this _____ day of _____, 2017.

Mayor
Jon Nehring

Recording Secretary
Laurie Hugdahl