

**City Council**



**1049 State Avenue  
Marysville, WA 98270**

**Regular Meeting  
June 14, 2021**

**Call to Order**

Mayor Nehring called the June 14, 2021 meeting of the Marysville City Council to order at Marysville City Hall and virtually via Zoom at 7:00 p.m.

**Invocation**

Chaplain Greg Kanehen gave the invocation.

**Pledge of Allegiance**

Mayor Nehring led the Pledge of Allegiance.

**Roll Call**

**Present:**

Mayor: Jon Nehring

Council: Council President Kamille Norton, Councilmember Jeff Vaughan, Councilmember Tom King, Councilmember Mark James, Councilmember Kelly Richards, Councilmember Michael Stevens, Councilmember Steve Muller

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Erik Scairpon, Public Works Director Esco Bell, City Attorney Jon Walker, Parks Director Tara Mizell, Community Development Director Haylie Miller, City Engineer Jeff Laycock, Human Resources Manager Teri Lester, Community Information Officer (CIO) Connie Mennie, Fire Chief Martin McFalls, Information Services Manager Worth Norton, Systems Analyst Mike Davis

**Approval of the Agenda**

**Motion** to approve the agenda moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

## **Presentations**

### **Audience Participation**

Tom Schessler, 7905 87th Avenue NE, Marysville, expressed concern about traffic impacts of a 77-home development adjacent to the Berrywoods neighborhood. Mayor Nehring invited Community Development Miller to comment on this item.

Director Miller thanked Mr. Schessler and other neighbors for their comments. She reviewed the development and review process and stated that staff is reviewing the comments received. She noted that the Hearing Examiner will also be reviewing all the comments and will render a decision on the matter.

Mayor Nehring stated that the City had been in contact with the developer to plan a neighborhood meeting. Residents within 300 feet of the development will be notified by mail. Notices will also be posted online and at City Hall. Mr. Schessler expressed concern about the limited notification area when the development will impact a much larger area.

Scott Allen, 3912 Sunnyside Blvd., Marysville, expressed concern about residents in a new development lighting fireworks. Mayor Nehring explained that the City has done several years of warning and is now in the enforcement mode. Chief Scairpon concurred that there is a no tolerance approach to fireworks this year. He invited everyone to come enjoy the City's 4<sup>th</sup> of July celebration at the waterfront and to report any violations. Mr. Allen suggested that new residents might not know that fireworks are not allowed. He recommended that a notice be put on the utility bill or have police officers go door-to-door in the new development to inform residents of the policy.

John Kinnick, 8611 79<sup>th</sup> St NE, Marysville, also expressed concern about the proposed development near Berrywoods. He discussed alternate access options besides the once proposed.

Samantha DeVoir, 7705 87th Avenue NE, Marysville, expressed concern about the traffic impacts of the development and especially the safety of the many children who play outdoors in the area.

Christina McColl, 7631 87th Avenue NE, Marysville, expressed concern about the proposed Sage Homes development near their neighborhood. She stated that the streets cannot handle the proposed increase in traffic volume. She also raised concerns about environmental impacts. She recommended that the opening up of 87th Avenue not be allowed and an alternate ingress and egress be found for the project.

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

1. Approval of the May 24, 2021 City Council Meeting Minutes

Councilmember Vaughan noted that the spelling of Peter Condyles' name needed to be corrected on page 6 of 7 under his comments.

**Motion** to approve the May 24, 2021 City Council Meeting Minutes as amended moved by Council President Norton seconded by Councilmember Richards.

**AYES: ALL**

**Consent**

2. Approval of the May 25, 2021 Payroll in the Amount of \$1,457,507.92 Paid by EFT Transactions and Check Numbers 33461 through 33485
3. Approval of the May 26, 2021 Claims in the Amount of \$3,057,332.83 Paid by EFT Transactions and Check Numbers 148393 through 148510 with Check Numbers 139883 and 148289 Voided
4. Approval of the June 2, 2021 Claims in the Amount of \$2,448,109.61 Paid by EFT Transactions and Check Numbers 148511 through 148654
8. Consider Approving the First Amendment to the Master Service Agreement with Securus Technologies
9. Consider Approving the Independent Contractor Agreement with Rae Boyd APRN, BC, PLLC, for Marysville Jail Facility Medical Services
10. Consider Approving the Ranney Well Pump and Motor Repair and Replacement Contract with PumpTech, Inc. in the Amount of \$92,178.92
11. Consider Approving the Acceptance of the 2020 Pavement Preservation Program Project with Reece Construction Company, Starting the 60-day Lien Filing Period for Project Closeout
12. Consider Approving the 2020 Transportation Benefit District Annual Report

**Motion** to approve Consent Agenda items 2, 3, 4, 8, 9, 10, 11 and 12 moved by Councilmember King seconded by Councilmember James.

**AYES: ALL**

**Review Bids**

5. Consider Awarding the Schaefer Cart Purchase to General Equipment Company and Approving the Purchase Agreement in the Amount of \$401,821.23

**Motion** to authorize the Mayor to sign and execute the Purchase Agreement with General Equipment Company for the purchase of Schaefer Carts in the Amount of \$401,821.23 moved by Council President Norton seconded by Councilmember King.

**AYES: ALL**

6. Consider Awarding the 2021 Pavement Preservation Project to Cadman Materials, Inc. and Approving the Contract in the Amount of \$795,592.50 and Approve a Management Reserve of \$79,559.25 for a Total Allocation of \$875,151.75

**Motion** to authorize the Mayor to sign and execute the 2021 Pavement Preservation Project contract with Cadman Materials, Inc. in the Amount of \$795,592.50 and approve a Management Reserve of \$79,559.25 for a Total Allocation of \$875,151.75 moved by Councilmember Richards seconded by Councilmember Muller.

**AYES: ALL**

### **Public Hearings**

7. Consider Approving a Resolution Adopting a Six-Year Transportation Improvement Plan (2022-2027)

City Engineer Laycock made the 6-Year Transportation Improvement Plan (2022-2027) presentation. Mayor Nehring was very impressed at the number of grants that the City has been able to procure. City Engineer Laycock concurred and noted they currently have about \$30 million in grant funds across about 20 projects.

The public hearing was opened at 7:42 p.m. and public comments were solicited. There were no comments. The public hearing was closed at 7:43 p.m.

Councilmember Richards referred to the Quiet Zone and requested that this be extended all the way to 172nd.

Councilmember King asked about the status of the cemetery at 88th and State. City Engineer Laycock replied that is an ongoing project.

Councilmember Muller expressed appreciation for staff being aggressive with grants and also for the community support of transportation improvements.

**Motion** to adopt Resolution No. 2499, Adopting a Six-Year Transportation Improvement Plan (2022-2027) moved by Councilmember Muller seconded by Councilmember James.

**AYES: ALL**

19. Consider Approving an Ordinance Vacating an Unopened Public Road and Waiving Compensation for said Vacation

Director Miller reviewed the proposed ordinance vacating an unopened public road.

The public hearing was opened at 7:49 p.m. and public comments were solicited.

Paul Levitt, Keystone Land, 13805 Smokey Pt. Blvd, Suite 102, stated he was the applicant of the adjacent land and expressed appreciation to staff for their work on this item. He spoke in support of the ordinance.

The public hearing was closed at 7:50 p.m.

The City Council had no comments or questions.

**Motion** to adopt Ordinance No. 3184, vacating an unopened public road and waiving compensation for said vacation moved by Councilmember James seconded by Councilmember King.

**AYES: ALL**

### **New Business**

13. Consider Approving a Resolution Adopting Policies and Procedures for Right-of-Way Procedures, Waiver of Appraisal Procedures and Administrative Settlement Policy

**Motion** to adopt Resolution No. 2500, Adopting Policies and Procedures for Right-of-Way Procedures, Waiver of Appraisal Procedures and Administrative Settlement Policy moved by Council President Norton seconded by Councilmember Richards.

**AYES: ALL**

14. Consider Approving a Resolution Authorizing a \$105,000.00 Interfund Loan from the General Fund 001 to the CDBG Fund 109, and Providing a Formula for Payment of Interest

**Motion** to adopt Resolution No. 2501, Authorizing a \$105,000.00 Interfund Loan from the General Fund 001 to the CDBG Fund 109, and Providing a Formula for Payment of Interest moved by Councilmember Richards seconded by Councilmember Muller.

**AYES: ALL**

15. Consider Approving a Resolution Authorizing a \$455,000.00 Interfund Loan from the General Fund 001 to the Affordable Housing Tax Fund 115, and Providing a Formula for Payment of Interest

**Motion** to adopt Resolution No. 2502, Authorizing a \$455,000.00 Interfund Loan from the General Fund 001 to the Affordable Housing Tax Fund 115, and Providing a Formula for Payment of Interest moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

16. Consider Approving a Resolution Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale and Disposal Thereof

**Motion** to adopt Resolution No. 2503, Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale and Disposal Thereof moved by Councilmember King seconded by Councilmember James.

**AYES: ALL**

17. Consider Approving an Ordinance Setting Water, Sewer, and Surface Water Utility Rates and Amending Sections 14.07.060, 14.07.070, 14.19.010 and 14.19.050 of the MMC as Allowed Under Section 14.07.075

**Motion** to adopt Ordinance No. 3185, an Ordinance Setting Water, Sewer, and Surface Water Utility Rates and Amending Sections 14.07.060, 14.07.070, 14.19.010 and 14.19.050 of the MMC as Allowed under Section 14.07.075 moved by Councilmember Muller seconded by Councilmember Vaughan.

**AYES: ALL**

18. Consider Approving an Ordinance Amending Section 6.36.030 of the MMC to Update the Criminal Penalty for Loitering

**Motion** to adopt Ordinance No. 3186, an Ordinance Amending Section 6.36.030 of the MMC to Update the Criminal Penalty for Loitering moved by Councilmember Richards seconded by Council President Norton.

**AYES: ALL**

## **Legal**

### **Mayor's Business**

- Mayor Nehring, Director Bell, Director Miller, and City Engineer Laycock met with the CEO of Community Transit who was in town last week.
- Mayor Nehring and Chief Scairpon represented the City and spoke at the Juneteenth event at Comeford Park on Saturday. It was a beautiful day and nice event with great attendance.

### **Staff Business**

Director Bell reported that he has enjoyed his first week working in Marysville.

Chief Scairpon:

- The celebration of Juneteenth was a great event. Thanks to Parks for their wonderful sponsorship of that event. He also thanked Change the Narrative of Granite Falls for their invitation to that event along with Chief Sutter from Tulalip Tribal Police and Chief Templeman from Everett. He appreciated the conversation with the community.
- The Department will be welcoming a new police officer, Brent Lee, this week.

- Officers will be out looking for people setting off fireworks and reminding them they are illegal.

Director Miller thanked Council for receiving the comments on the development application. She noted that Community Development is extremely busy, but they strive to provide excellent customer service. The City is still soliciting comments from restaurants regarding food trucks and has not received many.

Director Mizell reported that summer registration is underway. All athletic camps and mini camps are full. Parks was able to open up additional spots for day camp. She reported on 4th of July activities including food trucks, vendors and other activities. Summer concerts and movies will be happening on a shortened schedule. All of the information is on the website.

HR Manager Lester had no comments.

CIO Mennie outlined how the City provides information to the public about fireworks via news releases, social media announcements, the 4th Street reader board, additional electronic reader boards, banners around town, and the electronic newsletter. They will continue to remind the public that fireworks are illegal through the 4th of July.

City Attorney Walker stated the need for an Executive Session to discuss four items - one item regarding the lease of city property with no action expected and three items to review the performance of a public official. Action is expected on one of those items only. Executive Session was expected to last 20 minutes.

CAO Hirashima had no comments.

### **Call on Councilmembers and Committee Reports**

Councilmember Muller reported he went to the Everett Sorticulture event over the weekend. It's good to see community events happening again. He is looking forward to Marysville's community events this summer.

Councilmember Richards thanked all the residents from Berrywoods for coming to speak and writing with their comments. He thanked Mr. Allen for his comments about the fireworks in Sunnyside. He asked staff if the food truck topic had been posted on social media. CIO Mennie replied that it hadn't but she would put something on there.

Councilmember King also was pleased to see community events, including Touch-a-Truck, happening again. He thanked community members for coming to share their concerns.

Councilmember James also thanked residents of the Berrywoods neighborhood for their comments.

Councilmember Vaughan expressed appreciation to citizens for sharing their comments. He said he was uncomfortable with the current situation where the council has no authority to address these land use concerns for our citizens even though we were elected to represent them. He wondered what recourse there is for citizens who don't have the issue resolved to their satisfaction with the Hearing Examiner. Director Miller explained that if there is disagreement with the Hearing Examiner's decision, residents would have the right to appeal to Snohomish County Superior Court. The City Council is not involved with this process. Director Miller explained how land use issues are processed in the City. Councilmember Vaughan indicated he would like for the Council to be more involved in these issues. He expressed appreciation to staff for their response to concerns.

Councilmember James expressed appreciation for the explanation of the process tonight.

Councilmember Stevens thanked members of the public who came to share their concerns.

Council President Norton:

- She also thanked those who spoke today.
- She shared Councilmember Vaughan's frustration of feeling removed from land use decisions. She spoke to the importance of understanding of what Council is approving as code since the Hearing Examiner use the code to arrive at his decisions. This is one of the reasons why she wanted to have a stronger look within the Economic Development Committee at some of the land use and community development decisions that come before the Council.
- She thanked Mr. Schessler for bringing up his concerns about inadequacy of the 300-foot notice and noted she agreed with him. She asked that this be something for the Council to review. Director Miller indicated they could add this to the agenda for the next Economic Development Committee meeting.
- She thanked Director Mizell for the update on the 4th of July. She is looking forward to it.

### **Adjournment/Recess**

Council recessed at 8:28 p.m for five minutes before reconvening in Executive Session for 20 minutes.

### **Executive Session**

Council reconvened in Executive Session at 8:33 p.m. to discuss four items with action expected on one.

- A. Litigation
- B. Personnel – RCW 42.30.110(1)(g) three items with action expected on one



C. Real Estate – RCW 42.30.110(1)(c) one item with no action expected

Executive Session was extended 25 minutes and action was taken on one item.

**Reconvene**

Council reconvened at 9:18 p.m.

**Motion** made by Councilmember Norton, seconded by Councilmember Richards to authorize the Mayor to execute the employment agreement with the Chief Administrative Officer.

**AYES: ALL**

**Adjournment**

The meeting was adjourned at 9:20 p.m.

Approved this 13<sup>th</sup> day of July, 2021.

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Mayor  
Jon Nehring

