

City Council



501 Delta Ave
Marysville, WA 98270

**Regular Meeting
May 22, 2023**

Call to Order

Mayor Nehring called the meeting to order at 7:00 p.m.

Invocation

Pastor Steve Swanson from Vital Signs Ministries gave the invocation.

Pledge of Allegiance

Mayor Nehring led the Pledge of Allegiance.

Roll Call

Council:

Present: Councilmember Peter Condyles, Councilmember Mark James, Councilmember Tom King, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton

Absent: Councilmember Michael Stevens

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Deputy City Attorney Burton Eggertsen, Parks, Culture, and Recreation Director Tara Mizell, Community Development Director Haylie Miller, Public Works Director Jeff Laycock, Human Resources Director Megan Hodgson, IT Director Stephen Doherty, Police Commander Jonathon Elton Community Information Officer (CIO) Connie Mennie, Public Works Services Manager Skip Knutsen (online), Community Service Officer Joie Mette

Motion to excuse the absence of Councilmember Stevens moved by Councilmember James, seconded by Councilmember King. **Motion passed unanimously.**

Approval of Agenda

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

Presentations

A. Swearing in of CSO Officer Joie Mette

Mayor Nehring swore in Joie Mette as Community Service Officer.

B. Proclamation Declaring May 21-27, 2023 National Public Works Week in Marysville

Mayor Nehring read the proclamation.

C. Proclamation Declaring May 21-27, 2023, Emergency Medical Services Week in Marysville

Mayor Nehring read the proclamation.

D. Update from Representative Sam Lowe

Representative Lowe, 39th District, gave an update on legislative activities in Olympia. They finished last Tuesday with a special session. He thanked the City for putting together the legislative priorities; it was a huge help. Mayor Nehring thanked him for the update and for his tremendous service.

Audience Participation

None.

Approval of Minutes

1. April 24, 2023 City Council Meeting Minutes

Motion to approve the April 24, 2023 City Council Meeting Minutes moved by Councilmember Richards, seconded by Councilmember Condyles. **Motion passed unanimously.**

2. May 1, 2023 City Council Work Session Minutes

Motion to approve the May 1, 2023 City Council Work Session Minutes moved by Council President Norton, seconded by Councilmember Muller. **Motion passed unanimously.**

3. May 8, 2023 City Council Meeting Minutes

Motion to approve the May 8, 2023 City Council Meeting Minutes moved by Councilmember King, seconded by Councilmember James. **Motion passed.**

Consent Agenda

4. April 25, 2023 Payroll in the Amount of \$1,912,324.74 Paid by EFT Transactions and Check Numbers 34566 through 34585
5. May 3, 2023 Claims in the Amount of \$1,363,487.05 Paid by EFT Transactions and Check Numbers 162656 through 162715 with Check Numbers 162025 and 162643 Voided
6. May 10, 2023 Claims in the Amount of \$690,679.47 Paid by EFT Transactions and Check Numbers 162716 through 162814
7. May 10, 2023 Payroll in the Amount of \$ 1,798,685.92 Paid by EFT Transactions and Check Numbers 34586 through 34598
8. May 17, 2023 Claims in the Amount of \$3,431,264.12 Paid by EFT Transactions and Check Numbers 162815 through 163012 with Check Number 150171 Voided

Motion to approve Consent Agenda items 4, 5, 6, 7, and 8 moved by Councilmember Richards, seconded by Councilmember Condyles. **Motion passed unanimously.**

Review Bids

Public Hearings

New Business

9. Supplemental Agreement No. 2 to Professional Services Agreement with RH2 Engineering, Inc. for the Whiskey Ridge Sewer Lift Station and Force Main

Director Laycock reviewed this item regarding and extension through next year.

Motion to authorize the Mayor to sign and execute Supplemental Agreement No. 2 with RH2 Engineering moved by Council President Norton, seconded by Councilmember Richards. **Motion passed unanimously.**

10. Project Acceptance - Ebey Waterfront Park Docks Restoration

Director Laycock reviewed this item. The contractor completed the contract just under the contract amount.

Motion to authorize the Mayor to accept the Ebey Waterfront Dock Restoration Project, starting the 60-day lien filing period for the project closeout moved by Councilmember Muller, seconded by Councilmember James. **Motion passed unanimously.**

11. Teamsters Settlement Agreement Extension

Human Resources Director Hodgson reviewed the settlement agreement extension for an additional six months.

Motion to approve the Teamsters Settlement Agreement Extension moved by Council President Norton, seconded by Councilmember Muller. **Motion passed unanimously.**

12. Climate Change Vulnerability and Risk Assessment Resolution

Director Miller reviewed the resolution to accept the Climate Change Vulnerability and Risk Assessment Resolution.

Motion to approve Resolution No. 2529 moved by Councilmember James, seconded by Councilmember King. **Motion passed unanimously.**

Legal

Mayor's Business

Mayor Nehring had the following comments:

- Thanks to Director Laycock and his team for putting on the Clean Sweep event. Citizens were very thankful to the crews for the event.
- Thanks to staff and Council for attending the five community meetings over the past few weeks to update folks on neighborhood and city projects. It was a very positive experience.
- He had a great opportunity to speak on a panel with Mayor Tolbert from Everett with a Latin American delegation that came to visit. They were able to network and promote the CIC.
- He went to speak at Marysville Pilchuck High School last week and was very impressed with the great group of kids over there.
- Tomorrow at 11 am is the groundbreaking at Waterfront Park for the 529 interchange.

Staff Business

Communications Manager Mennie reported on the communications plan for the fireworks ban this year including signage, a brochure, and the website. Councilmember Richards questioned the cost of the electronic signs and noted they could get a lot of banners for that price. Ms. Mennie noted that people pay more attention to the electronic billboards.

Director Laycock shared statistics from Clean Sweep event. It was a very good turnout. He reported that Marysville was selected to participate in a pilot project for rapid flashing crosswalk beacons. The agreement will be coming to Council in June. He expressed appreciation for TIB funds and the commitments for transportation projects, especially State Avenue.

Deputy City Attorney Eggertsen stated the need for an Executive Session to discuss three items - one regarding pending litigation, one regarding potential purchase of property, and an update on collective bargaining items for 20 minutes with action expected on all three items.

Call on Councilmembers

Councilmember Condyles thanked Representative Lowe for coming tonight.

Councilmember James:

- Thanks to Representative Lowe for the update.
- He reported on the Finance Committee meeting where they talked about updating building code fees.
- The Planet Fitness ribbon cutting was very well attended.
- He attended two of the community connections meetings and found them very informational. He heard good feedback from people who went.
- He attended the Building Bridges event which was a great event.
- He is looking forward to the groundbreaking tomorrow.

Councilmember King:

- Thanks to Representative Lowe for the update.
- He noted it has been a very busy couple of weeks.
- He attended the ribbon cutting at Planet Fitness at Lakewood Crossing.
- He had a tour of the Public Safety building before it was remodeled.
- He attended three of the community connections open houses. These were great events, and he hopes they continue in the future.
- Clean Sweep was a great event. It was a big turnout.
- He reported on the Public Works Committee meeting where they received an update on playground projects, talked about quiet zones, and reviewed a map of historical names for some of the older streets in town.
- Solid Waste Advisory Committee met last week. They are starting to hold "repair cafes" at various locations in Snohomish County.

Councilmember Richards:

- Clean Sweep was a great event. Thanks to everyone who helped with that.
- He attended a couple community connections events. He hopes the City continues those.

- He reported on the Parks meeting. Playgrounds are coming together. The new soccer fields at Strawberry Fields are looking good. Boat launch annual passes are now available.
- He also attended the Public Works meeting that Councilmember King reported on.
- Thanks to Representative Lowe for coming tonight and for all he does.
- He also attended Building Bridges. He thinks it would be good for schools to hold those as part of their senior civics class.

Councilmember Muller:

- Thanks to Representative Lowe for all his hard work.
- He has been out of town. It's good to come back and see the spray park open.
- This Wednesday is Rotary's Education Foundation awards for youth.

Council President Norton:

- She appreciated the Clean Sweep event. She went early and was surprised how many people were already there.
- She appreciates the efforts of staff to host the community meetings. It was valuable for her and those who attended.
- Thanks to Representative Lowe for attending, for the update, and for the good work he is doing.

Recess

The meeting went into recess for five minutes at 7:43 p.m.

Executive Session

Council entered Executive Session at 7:48 p.m. to discuss three items - one regarding pending litigation, one regarding potential purchase of property, and an update on collective bargaining items for 20 minutes with action expected on all three items. Executive Session was extended for five minutes at 8:08 p.m. and another five minutes at 8:13 p.m.

- A. Litigation - one item
- B. Personnel - one item
- C. Real Estate - one item

Reconvene

Council reconvened at 8:18 p.m.

Motion to authorize the Mayor to sign the settlement agreement with Bradford Fulton as personal representative of the estate of Sergey Devyatkin and the associated release and settlement agreement with Liberty Mutual, whereby Liberty Mutual will pay the plaintiff \$2,000,000 on behalf of the City, and to authorize the city attorney to take all appropriate steps in the litigation to carry out this settlement moved by Councilmember Muller, seconded by Council President Norton. **Motion passed unanimously.**

Motion to authorize the Mayor to sign the agreement between the City of Marysville and the Public, Professional, and Office-Clerical Employees and Drivers Local Union No. 763, on the condition that it is approved by said Local Union No. 763 moved by Councilmember Richards, seconded by Councilmember King. **Motion passed unanimously.**

Motion to authorize the Mayor to sign the Purchase and Sale Agreement for 1095 Alder Street in Marysville for a purchase price of \$475,000 plus due diligence and closing costs moved by Councilmember Condyles, seconded by Councilmember James. **Motion passed unanimously.**

Councilmember Muller asked Deputy Director Eggertsen to summarize the settlement to clarify that it wasn't a city payout. Deputy Director Eggertsen explained that the City tendered the litigation to the contractor, APG, who in turn tendered the lawsuit to their insurance company, Liberty Mutual. Liberty Mutual hired outside counsel to represent the City. Through negotiations between the plaintiff, outside counsel, and the City's Legal Department, Liberty Mutual ultimately agreed to pay, as APG's insurer, \$2,000,000 to resolve the litigation. The plaintiff agreed to release the City assuming the City signs the agreement.

Adjournment

Motion to adjourn the meeting at 8:23 p.m. moved by Councilmember Richards, seconded by Councilmember Condyles. **Motion passed unanimously.**

The meeting was adjourned at 8:23 p.m.

Approved this 5th day of July, 2023.

Mayor
Jon Nehring