

**City Council**



**501 Delta Ave  
Marysville, WA 98270**

**Regular Meeting  
July 24, 2023**

**Call to Order**

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

**Invocation**

Pastor Dan Hazen gave the invocation.

**Pledge of Allegiance**

Mayor Nehring led the Pledge of Allegiance.

**Roll Call**

**Mayor:** Jon Nehring

**Council:**

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

**Absent:** None

**Staff:** Chief Administrative Officer (CAO) Gloria Hirashima; Deputy City Attorney Burton Eggertsen; Interim Finance Director John Nield; Police Chief Scairpon; Parks, Culture, and Recreation Director Tara Mizell; Community Development Director Haylie Miller; Public Works Director Jeff Laycock; I.S. Director Stephen Doherty; Human Resources Director Megan Hodgson (via Zoom); Communications Manager Connie Mennie, Network Systems Administrator Chris Brown, Sergeant Garrett Wiseman; Commander Jay Tolbert; Communications Specialist Bridget Larsen; Emergency Preparedness Manager Sarah Lavelle; Deputy Director Jim Lawless

## **Approval of Agenda**

**Motion** to approve the agenda with the addition of one item at the end regarding the sick and leave policy moved by Councilmember Richards, seconded by Councilmember Condyles. **Motion passed unanimously.**

## **Presentations**

### A. Summer Intern Introductions

Communications Manager Connie Mennie introduced summer interns.

### B. Police Officers' Promotional Swearing-In

Sergeant Garrett Wiseman and Commander Jay Tolbert were sworn in.

## **Audience Participation**

Mark Johnson, 12433 48<sup>th</sup> Drive NE, Marysville, Chairman of the Whispering Firs Architectural Control Committee, spoke in opposition to the proposed short plat number SP23-004. There are restrictions in Whispering Firs that prevent short plats. These also limit the type of structures that are allowed on these lots. If the owners of the property wish to increase the living space of their home, they need to add an addition that meets the restrictions. They can also get a majority of the homeowners to agree to a change in the restrictions. He stated that this is not a good neighborhood for increased housing density.

Lynn Johnson, 12433 48<sup>th</sup> Drive NE, Marysville, discussed the large lots at Whispering Firs (half-acre to one acre). The strict restrictions in place govern the size of the lots, the size of the homes, the use of temporary structures, the placement of fences, and a prohibition of businesses. The restrictions also provided for an Architecture Control Committee that was charged with preventing building deviations. Today, a new lot owner wants to subdivide one of the half-acre lots. If this approved by the City, it would render all the previous restrictions useless and destroy the value, look, and feel of the development.

Ron Friesen, 4714 124<sup>th</sup> Place NE, spoke in opposition to the short plat application. He explained that this defeats the purpose of the master plan of that neighborhood. He asked what the master plan is for this neighborhood and for Marysville? Why are they dismantling one of the most beautiful neighborhoods in the city? He encouraged the City to pay attention to the precedent this sets for the rest of Marysville.

Shawn Harvey, 12603 45<sup>th</sup> Dr. NE, Marysville also spoke in opposition to SP23-004 which will ruin the look and feel of the neighborhood. He was frustrated that neighbors did not have a say in this.

Director Miller gave an update on this matter. She explained this item has been forwarded to the Hearing Examiner because they have received so many comments in opposition. She encouraged the residents to also seek legal counsel. Staff is aware of some potential compliance issues on the site, so the application is currently on hold. When a public hearing is held, staff will notify all the parties of record.

Cathleen Schafer, resident, asked who would make the final decision. She expressed concern that it would be someone who has never been to their neighborhood and doesn't understand what it is all about.

Director Miller explained that for this matter the Hearing Examiner would be making the final decision. He is a third party who will listen to all sides. He will be tasked with making sure it complies with city code and with listening to all comments. The public hearing will give everyone an opportunity to voice concerns.

Shawn Harvey discussed the unique characteristics of their neighborhood and encouraged the Hearing Examiner to take a drive through their neighborhood so he gets a feel for it.

Lauri Howat, 12612 45<sup>th</sup> Drive NE, Marysville, said she lives three houses down from this house. She noted that the people in the neighborhood have been there since 1978. It is a very unique neighborhood in Marysville. She expressed frustration that the City is going to change this. She begged them not to allow this development.

Councilmember Richards asked for legal counsel on this. Deputy City Attorney Eggertsen explained that CCNRs are generally a private matter and worked out privately. He stated that the residents and applicant would have full opportunity to present their arguments to the Hearing Examiner. At this point the Hearing Examiner has jurisdiction. Community Development Director Miller further reviewed the zoning regulations in this area.

Ms. Schafer asked the City to look into the crime in their neighborhood. There is almost none, and they want to keep it that way.

Dwight Olson, 12507 46<sup>th</sup> Drive NE, Marysville, said he has lived on the cul-de-sac for 45 years. It is a unique area that they have made an investment in. The proposed plan to put a house behind a house doesn't make sense to him in this neighborhood.

### **Approval of Minutes**

1. July 3, 2023 City Council Work Session Minutes

Councilmember James referred to page 2, item 6. Councilmember James should be corrected to Councilmember King. On page 7, under Councilmember Comments, his comment should say "Strawberry Fields is a really beautiful facility."

**Motion** to approve the July 3, 2023 City Council Work Session Minutes as amended moved by Councilmember James, seconded by Councilmember King. **Motion passed 6-0 with Councilmember Muller abstaining.**

2. July 10, 2023 City Council Meeting Minutes

**Motion** to approve the July 10, 2023 City Council Meeting Minutes moved by Councilmember Richards, seconded by Councilmember Muller. **Motion passed 6-0 with Council President Norton abstaining.**

**Consent**

3. July 5, 2023 Claims in the Amount of \$798,965.36 Paid by EFT Transactions and Check Numbers 163878 through 163963
4. July 10, 2023 Payroll in the Amount of \$2,039,798.12 Paid by EFT Transactions and Check Numbers 34672 through 34692
5. July 12, 2023 Claims in the Amount of \$692,771.71 Paid by EFT Transactions and Check Numbers 163964 through 164089 with Check Numbers 152804 and 156476 Voided
6. July 19, 2023 Claims in the Amount of \$2,144,954.92 Paid by EFT Transactions and Check Numbers 164090 through 164221

**Motion** to approve Consent Agenda items 3, 4, 5, and 6 moved by Councilmember King, seconded by Council President Norton. **Motion passed unanimously.**

**Review Bids**

7. Contract Award - Police Evidence Building Project

CAO Hirashima reviewed this contract award for the police evidence building. This is the final piece of the Civic Center and the police accreditation standard. Multiple options were considered. Staff identified an existing site the City already owned on Smokey Pt. Blvd. which they feel will be a suitable location.

Councilmember King asked if police accreditation will follow the completion of this project. Chief Scairpon reviewed the status of this and explained they have a targeted accreditation date of fall 2024.

Councilmember Richards expressed concern about the security of that location. CAO Hirashima stated that it would have a security fence, cameras, sensors, etc.

Councilmember Stevens thought it was a reasonable cost considering today's climate and the type of facility.

**Motion** to authorize the Mayor to sign and execute the contract documents with TRICO Companies, LLC for the construction of the Police Evidence Building Project in the amount of \$2,798,452.00 including Washington State sales tax and approve a management reserve of 5% for a total allocation of \$2,938,374.60 moved by Councilmember Richards, seconded by Councilmember Stevens. **Motion passed unanimously.**

8. Reject Bids – 2023 Neighborhood Traffic Safety Program

Director Laycock explained that they only received two bids which were very high. Staff is not recommending an award at this time.

**Motion** to authorize the Mayor to reject all bids for the 2023 Neighborhood Traffic Safety Program moved by Council President Norton, seconded by Councilmember Muller. **Motion passed unanimously.**

**Public Hearings**

9. Ziplly Fiber Northwest Franchise Amendment

The public hearing was opened at 7:57 p.m. Deputy City Attorney Eggertsen made the staff presentation.

Public Testimony: None

The public hearing was closed at 7:58 p.m.

**Motion** to approve the extension of the term of the Franchise to the end of 2024 and to authorize the Mayor to execute the Fourth Amendment of Cable Franchise moved by Councilmember Richards, seconded by Councilmember King. **Motion passed unanimously.**

**Motion** to correct the ordinance number to 3280 for the Ziplly Fiber Franchise Agreement Amendment made by Councilmember Richards, seconded by Councilmember Muller. **Motion passed unanimously.**

**New Business**

10. Correcting the Ordinance Number for an Ordinance approved on July 10, 2023, as Ordinance No. 3275, to be Ordinance No. 3278.

**Motion** that the ordinance approved on July 10, 2023, as Ordinance No. 3275, be renumbered and assigned Ordinance No. 3278 moved by Councilmember Richards, seconded by Council President Norton. **Motion passed unanimously.**

**Motion** to correct the ordinance number to 3281 made by Councilmember Richards, seconded by Councilmember Condyles. **Motion passed unanimously.**

**Motion** to correct the ordinance being corrected back to Ordinance No. 3278 as stated in the original motion made by Councilmember Muller, seconded by Councilmember Condyles. **Motion passed unanimously.**

11. Correcting the Ordinance Number for an Ordinance approved on July 10, 2023, as Ordinance No. 3276, to be Ordinance No. 3279

**Motion** that the ordinance approved on July 10, 2023, as Ordinance No. 3276, be renumbered and assigned Ordinance No. 3279 moved by Councilmember Condyles, seconded by Council President Norton. **Motion passed unanimously.**

**Motion** to correct the ordinance number to 3282 made by Councilmember Richards, seconded by Councilmember King. **Motion passed unanimously.**

**Motion** to correct the ordinance being corrected back to Ordinance No. 3279 as stated in the original motion made by Councilmember Muller, seconded by Councilmember Condyles. **Motion passed unanimously.**

12. Correcting the Resolution Number for a Resolution approved on July 10, 2023, as Resolution No. 2530, to be Resolution No. 2535

**Motion** that the resolution approved on July 10, 2023, as Resolution No. 2530, be renumbered and assigned Resolution No. 2535 moved by Councilmember James, seconded by Councilmember Richards. **Motion passed unanimously.**

**Motion** to correct the resolution number to Resolution No. 2536 moved by Councilmember James, seconded by Councilmember Condyles. **Motion passed unanimously.**

**Motion** to correct the resolution number as reflected in the original motion to Resolution No. 2535 moved by Councilmember Richards, seconded by Councilmember Condyles. **Motion passed unanimously.**

13. An Ordinance Amending a SEPA Determination of Significance Appeal Provision

Director Miller explained this is a code change which staff considers to be a cleanup item.

**Motion** to adopt Ordinance No. 3280 moved by Council President Norton, seconded by Councilmember Richards. **Motion passed unanimously.**

**Motion** to correct the ordinance number to 3283 moved by Councilmember Muller, seconded by Councilmember Richards. **Motion passed unanimously.**

**Motion** to correct the ordinance number to 3281 moved by Councilmember Richards, seconded by Councilmember Condyles. **Motion passed unanimously.**

14. An Ordinance Amending the 2023-2024 Biennial Budget

Interim Finance Director Nield reviewed this item which would rectify the budget to reflect changes.

**Motion** to adopt Ordinance No. 3285 moved by Councilmember Condyles, seconded by Councilmember James. **Motion passed unanimously.**

**Motion** to correct the ordinance number to 3284 made by Councilmember Richards, seconded by Councilmember King. **Motion passed unanimously.**

**Motion** to correct the ordinance number to 3282 made by Councilmember Richards, seconded by Councilmember Stevens. **Motion passed unanimously.**

15. Contract with Washington Service Corps for AmeriCorps Member to Support Emergency Management

Emergency Preparedness Manager Sarah Lavelle reviewed this item.

**Motion** to authorize the Mayor to sign and execute the Member Placement Contract with Washington Service Corps moved by Council President Norton, seconded by Councilmember Richards. **Motion passed unanimously.**

16. Interlocal Agreement between Marysville Police Department and the Lake Stevens Police Department for Jail Services

Chief Scairpon reviewed this item.

**Motion** to authorize the Mayor to sign the renewal of the Interlocal so that the Marysville Jail can offer and provide services to the Lake Stevens Police Department moved by Councilmember James, seconded by Councilmember Richards. **Motion passed unanimously.**

17. Project Acceptance – Harborview Park Playground Replacement Project

Director Laycock reviewed this item and the next.

**Motion** to authorize the Mayor to accept the Harborview Park Playground project, starting the 60-day lien filing period for project closeout moved by Council President Norton, seconded by Councilmember Condyles. **Motion passed unanimously.**

18. Project Acceptance – Comeford Park Playground Replacement Project

Councilmember King complimented staff on the design and use of the park.

**Motion** to authorize the Mayor to accept the Comeford Park Playground project, starting the 60-day lien filing period for project closeout moved by Councilmember James, seconded by Council President Norton. **Motion passed unanimously.**

19. Designating Applicant Agent for the Hazard Mitigation Grant Program

Director Laycock explained that the City has been selected to submit for a grant.

**Motion** to authorize the Mayor to sign and execute the Resolution Designating Applicant Agent moved by Council President Norton, seconded by Councilmember Muller. **Motion passed unanimously.**

20. Local Agency Agreement and Local Agency Federal Aid Project Prospectus with WSDOT for the Citywide Pedestrians Safety Improvements Project

**Motion** to authorize the Mayor to sign and execute the Local Agency Agreement and Local Agency Federal Aid Project Prospectus to obligate preliminary engineering funds for the Citywide Pedestrians Safety Improvements project moved by Councilmember Richards, seconded by Councilmember King. **Motion passed unanimously.**

21. Access Agreement – Olympic View Park

Director Miller explained this is an access agreement between the City and the developer.

**Motion** to authorize the Mayor to sign and execute the agreement between the City and Keystone Land, LLC, for access to construct and install a stormwater discharge main in Olympic View Park moved by Council President Norton, seconded by Councilmember James. **Motion passed unanimously.**

22. Access Agreement – Marysville Corporate Center (PA22004)

**Motion** to authorize the Mayor to sign and execute the agreement between the City and Pacific Realty, Inc. for permission to utilize City property as a laydown area moved by Councilmember Condyles, seconded by Councilmember Richards. **Motion passed unanimously.**

23. Professional Services Agreement with RH2 Engineering, Inc. for the Water Comprehensive Plan Update

Director Laycock reviewed this item.

Councilmember Muller asked if the City is pretty much maxed out in terms of supply. Director Laycock replied they would be looking into that as part of this update.

**Motion** to authorize the Mayor to sign and execute a Professional Services Agreement with RH2 Engineering, Inc. for the Water Comprehensive Plan Update in the amount of \$365,179.00 moved by Councilmember Muller, seconded by Council President Norton.

**Motion passed unanimously.**

24. Supplemental Agreement No. 1 to the Professional Services Agreement with Transpo Group USA, Inc. for Engineering Services associated with the 116th Street Pavement Preservation NHS Project

Director Laycock reviewed this item and noted it is fully funded by a grant.

**Motion** to authorize the Mayor to sign and execute the attached Supplement No. 1 to the Professional Services Agreement with Transpo Group USA, Inc for Engineering Services Associated with the 116th Street Pavement Preservation NHS project moved by Councilmember King, seconded by Councilmember Richards. **Motion passed unanimously.**

25. Supplemental Agreement No. 1 to the Professional Services Agreement with Transpo Group USA, Inc. for Engineering Services Associated with the State Avenue Pavement Preservation NHS Project

**Motion** to authorize the Mayor to sign and execute Supplement No. 1 to the Professional Services Agreement with Transpo Group USA, Inc for Engineering Services Associated with the State Avenue Pavement Preservation NHS project moved by Councilmember James, seconded by Councilmember Condyles. **Motion passed unanimously.**

26. Utility Undergrounding Agreement with Ziplly Fiber

**Motion** to authorize the Mayor to sign and execute the attached agreement with Ziplly Fiber Northwest, to facilitate utility undergrounding work that will occur in conjunction with the City's State Avenue Corridor Improvement moved by Councilmember Richards, seconded by Council President Norton. **Motion passed unanimously.**

27. Multi-Transaction Governing Agreement with the Tulalip Tribes of Washington, including associated Sub-Agreements

Deputy City Attorney Eggertsen reviewed this item. Mayor Nehring commented that this is a testament to the strength of their relationship. He expressed appreciation to staff and to the Tulalip Tribes for all their work on this.

Councilmember Muller also commented on the strong relationship. This is a great project and will be a great access point.

Councilmember King asked if the City would be providing sewer to the duplex. Deputy City Attorney Eggertsen replied that they would.

Councilmember James asked if there are any parameters around providing sewer. Deputy City Attorney Eggertsen replied that it would be at the market value at the time.

CAO Hirashima explained this was a very complicated agreement. She commended Deputy City Attorney Eggertsen for his work on this.

**Motion** to authorize the Mayor to sign the Multi-Transaction Governing Agreement and the associated sub-agreements moved by Councilmember Muller, seconded by Councilmember James. **Motion passed unanimously.**

#### 28. Sick Leave Policy

CAO Hirashima explained this is a resolution related to sick leave vacation conversion for long-time employees.

**Motion** to approve Resolution No. 2536 related to the proposed sick leave vacation conversion policy moved by Councilmember Richards, seconded by Councilmember Muller. **Motion passed unanimously.**

#### **Mayor's Business**

Mayor Nehring had the following comments:

- Thanks to staff and Council for the lengthy and weighty agenda.
- Three councilmembers and some staff were at the Governmental Affairs meeting this week at Tulalip Tribes. Both jurisdictions were very excited about the state grant we received for 4<sup>th</sup> and 88<sup>th</sup> Street improvements. The staff working group between both jurisdictions was mentioned as working very well together on all of the easements and other details. He recognized Director Laycock for his work on this. They also discussed the 156<sup>th</sup> Street interchange project and the fact that there would be some easements needed with regard to that. There was a suggestion to form another staff working group when it gets a little closer. These are two massive projects that the two jurisdictions are working together on over the next couple years.
- He met with some students from Japan who are staying with host families and taking English classes.
- He attended business openings for several new businesses.

#### **Staff Business**

Deputy City Attorney Eggertsen stated the need for an Executive Session to discuss two items related to ongoing labor negotiations expected to last 10 minutes with action expected.

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

### **Councilmember Condyles:**

- It was nice to see so many people in the audience tonight.
- He spoke in support of the Hearing Examiner process.

### **Councilmember King:**

- Government Affairs meeting went really well.
- Thanks to Tara Mizell for the critique meeting for Strawberry Festival.
- There have been nice crowds at the Movies at the Park this summer.
- The LINC office is painted and looks good.
- Strawberry Festival float went to Olympia a week ago Saturday for their Capitol Lake Parade. This Saturday they will be going down to Seattle for the Torchlight Parade.

Councilmember Stevens agreed it was nice to see the full house tonight.

Councilmember Richards commended police officers on their promotions. He is looking forward to the break in August.

### **Councilmember Muller:**

- It was good to see two great officers get promoted tonight.
- Governmental Affairs meeting was very positive and productive.
- He agreed with Councilmember Condyles that the Hearing Examiner is extremely knowledgeable about land use issues and also very sympathetic.

### **Council President Norton:**

- Congratulations to Sergeant Wizeman and Commander Tolbert.
- Congratulations to everyone who worked on the agreement with the Tribes.
- It was good to have the community members here tonight. She hopes they will go share their thoughts with the Hearing Examiner. Neighborhoods are important.
- Thanks to Council and staff for the discussion at the Strategic Planning Meeting before the City Council meeting.

## **Adjournment/Recess**

Council recessed from 9:02 p.m. until 9:09 p.m.

## **Executive Session**

Council moved into Executive Session at 9:09 p.m. for 10 minutes with action expected.

A. Litigation

B. Personnel – two items related to ongoing labor negotiations

C. Real Estate

**Reconvene Adjournment**

Executive Session ended and Council reconvened at 9:19 p.m.

**Motion** made by Councilmember Richards, seconded by Councilmember Condyles, to authorize the Mayor to sign the Memorandum of Understanding by and between the City of Marysville and the Marysville Police Association allowing for non-12 hour work schedule for the custody sergeant and custody court security positions. **Motion passed unanimously.**

**Motion** made by Councilmember Richards, seconded by Councilmember James, to authorize the Mayor to sign the Memorandum of Understanding by and between the city of Marysville and Marysville Police Officers Association regarding the utilization of non-represented employees in conducting/assisting with major collision investigations. **Motion passed unanimously.**

**Adjournment**

**Motion** made by Councilmember Muller, seconded by Councilmember Richards, to adjourn the meeting at 9:21 p.m.

The meeting was adjourned at 9:21 p.m.

Approved this 12<sup>th</sup> day of September, 2023.

  
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Mayor  
Jon Nehring