

City Council



1049 State Avenue
Marysville, WA 98270

**Regular Meeting
February 28, 2022**

Call to Order

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

Invocation

Chaplain Dennis Niva gave the invocation.

Pledge of Allegiance

Mayor Nehring led the group in the Pledge of Allegiance.

Roll Call

Present:

Mayor: Jon Nehring

Council: Council President Kamille Norton, Councilmember Jeff Vaughan, Councilmember Tom King, Councilmember Kelly Richards, Councilmember Steve Muller

Staff: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Community Development Director Haylie Miller, Police Chief Erik Scairpon, Assistant Police Chief Lawless, City Attorney Jon Walker, Parks Director Tara Mizell, Communications Manager Connie Mennie, Engineering and Transportation Director Jeff Laycock, Systems Analyst Mike Davis, IS Director Worth Norton, Deputy City Clerk Genevieve Geddis

Absent: Councilmember Michael Stevens, Councilmember Mark James

Motion to excuse the absence of Councilmembers James and Stevens moved by Council President Norton seconded by Councilmember Muller.

AYES: ALL

Approval of the Agenda

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

AYES: ALL

Presentations

A. Marysville Strawberry Festival Royalty

Mayor Nehring welcomed the Marysville Strawberry Festival Royalty who made presentations to the Council on the problem of homelessness.

B. Chaplain's Retirement Presentation

Chief Scairpon introduced Chaplain Dennis Niva who has served the community as Police Chaplain since 1985 and expressed appreciation for his 37 years of service. He presented him with a proclamation of recognition and some mementos.

Audience Participation

None.

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

1. Approval of the January 24, 2022 City Council Meeting Minutes

Motion to approve the January 24, 2022 City Council Meeting Minutes moved by Councilmember King seconded by Council President Norton.

AYES: ALL

Consent

2. Approval of the February 2, 2022 Claims in the Amount of \$1,220,963.11 Paid by EFT Transactions and Check Numbers 153075 through 153277
3. Approval of the February 9, 2022 Claims in the Amount of \$3,485,099.43 Paid by EFT Transactions and Check Numbers 153278 through 153496 with Check Number 153113 Voided
4. Approval of the February 16, 2022 Claims in the Amount of \$637,269.95 Paid by EFT Transactions and Check Numbers 153497 through 153650 with Check Numbers 152219, 152946, and 153321 Voided.

Motion to approve Consent Agenda items 2, 3, and 4 moved by Council President Norton seconded by Councilmember Richards.

AYES: ALL

Review Bids

Public Hearings

New Business

5. Consider Approving the SEEK Fund Grant Agreement with the Association of Washington Cities in the Amount of \$12,000.00

Director Mizell reviewed this grant agreement for the summer day camp program. This will allow the group to take field trips all summer long and be reimbursed through AWC.

Motion to authorize the Mayor to sign the SEEK Fund Grant Agreement with the Association of Washington Cities in the Amount of \$12,000.00 moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

6. Consider Approving the Community Development Block Grant (CDBG) Program Year 2022 Annual Action Plan

Director Miller reviewed the CDBG Program Year 2022 Annual Action Plan which is a requirement of HUD. Councilmember King commented that the CDBG Committee met last week for a final review after the public input. He thanked staff for their work on this.

Motion to authorize the Mayor to sign and execute the Community Development Block Grant (CDBG) Program Year 2022 Annual Action Plan moved by Councilmember Muller seconded by Council President Norton.

AYES: ALL

7. Consider Approving the Professional Services Agreement with RH2 Engineering, Inc. for Design of the Whiskey Ridge Sewer Lift Station and Force Main in the Amount of \$388,693.00

Director Laycock reviewed this agreement with RH2 Engineering for design of the Whiskey Ridge Sewer Lift Station. A development agreement is expected to be coming to Council soon.

Motion to authorize the Mayor to sign and execute the Professional Services Agreement with RH2 Engineering, Inc. for Design of the Whiskey Ridge Sewer Lift Station and Force Main in the Amount of \$388,693.00 moved by Council President Norton seconded by Councilmember King.

AYES: ALL

8. Consider Approving an Ordinance Addressing Wheeled All-Terrain Vehicles (WATVS) Operating on City Streets

Chief Scairpon referred to information in the packet in response to questions from the previous meeting about collisions in Washington State related to ATVs. He summarized that there is very limited data out there specifically that addresses WATVs. Assistant Chief Lawless reviewed the agricultural aspect of the vehicles.

Council President Norton asked if police have any concerns about being able to enforce the street legal aspect of these vehicles. Chief Scairpon replied that they do not. If this ordinance passes, they intend to work with the Legal Department to educate the public about what this ordinance is and is not. As this ordinance is proposed it would be very easy for police to determine whether or not the vehicle is compliant with the law.

Councilmember Richards commented he has only seen comments from people who are opposed to these. He asked if the City has had people request that these be allowed. Council President Norton stated she has been contacted by several individuals which is what precipitated this. She referred to the negative comments they have seen and commented that people see the "ATV" and instantly think of a four-wheeler or a quad which is not what is being proposed. She understands why people wouldn't want those on the roads. She thinks there is a level of education that needs to happen.

Councilmember Muller commented that this ordinance asks people to elevate these vehicles to a whole different level. He doesn't think there will be a big rush by owners to do this because of the cost. He thinks there are other vehicles on the road that are less safe than these. If people are willing to upgrade their vehicles to make them legal he thinks they should be allowed to do so.

Councilmember King said he heard from citizens that they are either in favor of these or indifferent. He asked if there would be any issues with insurance companies providing insurance. Chief Scairpon replied that insurance coverage would be required by the ordinance, but he hasn't heard any comments from insurance companies.

Councilmember Vaughan stated that he had looked into it, and insurance companies do offer policies to cover these on city streets. He reiterated some of his concerns. He thinks it is important to point out that the manufacturers of these vehicles do not recommend their use on city streets or highways. They are not tested for highway safety. The association of manufacturers says that permitting street use of these vehicles, including modified vehicles, would be in conflict with their intentions of proper use and would be contrary to federal safety requirements. He cautioned the Council against passing this ordinance and stated he would not be supporting it.

Council President Norton commented that other vehicles on the road, such as motorcycles, are less safe than these. She thinks the risk is assumed by the drivers, and they are not presenting a risk to others on the road. If that is a risk the vehicle owners are willing to take, she is comfortable allowing it. She also pointed out that these are only permitted on low-speed roads.

Councilmember Muller asked about amending the ordinance to have just a one-year trial. City Attorney Walker replied that Council could direct the City Attorney to draft an additional section that would sunset the law one year after its effective date.

Motion to allow audience participation moved by Councilmember Richards, seconded by Councilmember Vaughan.

AYES: ALL

Tony Parker, 8920 45th Drive NE, Marysville, spoke in support of the ordinance. He clarified he has already paid for on-road tabs through the dealership. The dealership certified his vehicle to be street legal with a horn, turn signals, hazards, DOT-approved windshield, roll bar, four-point harness, fire extinguisher, and full insurance. His partner commented that they take pride in their vehicles and work hard on them. They are all street legal and are committed to following the rules. She requested help in educating the community about these vehicles.

Clint Puzo, 607 Columbia Avenue, Marysville, stated he has a side-by-side Honda Talon 2019 and is fully insured. He has been off-roading since he was little and has never seen anybody severely injured in a side-by-side, even in the sand dunes in Oregon. He commented that a lot of the vehicles have a speed limiter so they can't go very fast without modifications. He has known people killed on motorcycles and bicycles, but those are still allowed on the streets. He commented that these vehicles are expensive so people are responsible with them. He has never witnessed anyone driving them recklessly. He believes they are very safe and the City should give them a try.

Joe Bartlett, 6509 82nd Street NE, Marysville, also spoke in support of this ordinance. He owns a vehicle which is already street legal, licensed and fully insured. He has participated in many events and has never seen any accidents or other issues.

Motion to approve Ordinance 3209 Addressing Wheeled All-Terrain Vehicles (WATVS) Operating on City Streets with direction to the City Attorney to provide language for a one-year sunset provision moved by Councilmember Muller seconded by Councilmember Richards.

VOTE: Motion carried 4 - 1

AYES: Council President Norton, Councilmember King, Councilmember Richards, Councilmember Muller

NOES: Councilmember Vaughan

Legal

Mayor's Business

9. Marysville Civil Service Commission Reappointment: Toni Kief

Motion to approve the reappointment of Toni Kief to the Marysville Civil Service Commission moved by Councilmember King seconded by Councilmember Richards.

AYES: ALL

10. Marysville Parks, Culture, and Recreation Advisory Board Reappointments:
Brooke Hougan and Sharon Kanehen

Motion to approve the reappointment of Brooke Hougan to the Marysville Parks, Culture, and Recreation Advisory Board moved by Council President Norton seconded by Councilmember Muller.

AYES: ALL

Motion to approve the reappointment of Sharon Kanehen to the Marysville Parks, Culture, and Recreation Advisory Board moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

Other Business:

Mayor Nehring stated he had the opportunity to speak last week to the Light of Hope, Ukrainian church in Marysville and expressed support for the Ukrainian-Americans in the community.

He also reported that the transportation package in Olympia continues to move forward with the backfill money for the I-5 lane and the interchange off onto 529. It includes \$5 million for the Grove Street overcrossing and about \$500,000 in design money for the 156th Overcrossing.

Staff Business

Chief Scairpon reported on some favorable police legislation that recently passed. He also reported on several cold water plunges he and other law enforcement professionals did to support Special Olympics recently. He thanked everyone for their support and for helping to raise awareness about Special Olympics.

Director Mizell reported that the Treat Yourself Expo last weekend was very successful. She noted that the boat launch fee issue would be going to the Parks Board in March. The golf report for last week is done and will be sent out to Council this week. She reported that an option to report an issue in a park or a trail will be live on the website in the morning.

Director Miller reported that the recently-adopted Accessory Dwelling Unit code has been very popular. She noted that staff encountered an issue with an applicant last week regarding a mother-in-law suite that met all of the requirements except the additional parking stall requirement because of the shape of the lot. This prevented the applicant from providing a mother-in-law suite for their grandmother. She had let the homeowner know she would bring it up to Council.

Director Laycock thanked Mayor Nehring for highlighting the transportation package. There are a lot of great projects included in that. He reported that the unveiling of Comeford Water Tower was a great event. He reminded the Council of the upcoming Public Works Committee meeting on Friday.

City Attorney Walker stated the need for an Executive Session to address four items regarding pending litigation, with action expected on one, and one item considering the price of sale of real estate with no action expected. The expected length was 15 minutes.

Call on Councilmembers and Committee Reports

Councilmember Vaughan expressed appreciation for the way the water tower turned out. He thanked the Council for supporting the funding for this project.

Councilmember King thanked the Strawberry Festival Royalty candidates. The first parade is in April in Tacoma. He thanked Chaplain Niva for all his years of service. Last week the Snohomish County Technical Advisory Committee met and reviewed applications for Community Development Grant funds for cities that are smaller than Marysville.

Councilmember Richards reported on the Affordable Housing Committee which met last week. Snohomish County Tomorrow met later that same day, reviewed current events, and discussed funding opportunities for the Gold Line.

Councilmember Muller agreed that the water tower and all the improvements in that area look great. The water tower really stands out in a positive way from the freeway. He expressed appreciation for Dennis Niva and the great work he has done in the community over the years.

Council President Norton also expressed appreciation for the great work that Dennis Niva has done over the years and the great work all the chaplains in the community do. She also likes the way the water tower looks.

Adjournment/Recess

Council recessed at 8:36 p.m.

Executive Session

Executive Session started at 8:40 p.m. and was expected to last 15 minutes to address four items related to pending litigation with action expected on one and one item related to real estate with no action expected.

- A. Litigation - four items
- B. Personnel

C. Real Estate - one item

Reconvene

The meeting reconvened at 8:55 p.m.

Motion to authorize the filing of appropriate counterclaims and adding necessary parties in *Nelson v. Marysville* moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL


Adjournment

Motion to adjourn the meeting moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

The meeting adjourned at 8:55 p.m.

Approved this 1st day of April, 2022.


Mayor
Jon Nehring