

City Council



501 Delta Ave  
Marysville, WA 98270

**Work Session  
September 5, 2023**

**Call to Order**

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

**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 Kelly Richards, Councilmember Steve Muller

**Absent:** Councilmember Michael Stevens

**Staff:** Chief Administrative Officer (CAO) Gloria Hirashima; City Attorney Jon Walker; Finance Director Jennifer Ferrer-Santa Ines; Police Chief Scairpon; Parks, Culture, and Recreation Director Tara Mizell; Community Development Director Haylie Miller; Public Works Director Jeff Laycock; Emergency Preparedness Manager Sarah Lavelle; Communications Manager Connie Mennie (via Zoom), Network Systems Administrator Chris Brown, Public Works Services Manager Skip Knutsen

**Motion** to excuse the absence of Councilmember Stevens moved by Council President Norton, seconded by Councilmember Condyles. **Motion passed unanimously.**

**Approval of Agenda**

**Motion** to waive normal business rules to allow action on a number of business items moved by Councilmember Richards, seconded by Councilmember James. **Motion passed unanimously.**

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

### **Presentations**

A. Proclamation Declaring Marysville A Welcoming City

Diversity Advisory Committee members were present to receive the proclamation. Mayor Nehring thanked them for their service to the city and read the proclamation into the record.

B. Proclamation Declaring September 2023 as Childhood Cancer Awareness Month in Marysville

Mayor Nehring read the proclamation into the record.

### **Audience Participation**

None

### **Approval of Minutes**

1. July 3, 2023 City Council Work Session Minutes - Revised
2. July 24, 2023 City Council Meeting Minutes

### **Consent**

3. December 31, 2022 (D) Claims in the Amount of \$400,955.10 Paid by EFT Transactions and Check Numbers 160500 through 160573
4. February 8, 2023 Claims in the Amount of \$548,085.83 Paid by EFT Transactions and Check Numbers 160795 through 160894 with Check Numbers 160543 and 160724 Voided
5. March 10, 2023 Payroll Misc. in the Amount of \$14,810.92 Paid by EFT Transactions and Check Number 34546
6. April 5, 2023 Claims in the Amount of \$4,293,132.87 Paid by EFT Transactions and Check Numbers 162094 through 162205 with Check Numbers 160381 and 161974 Voided

7. June 14, 2023 Claims in the Amount of \$1,869,728.36 Paid by EFT Transactions and Check Numbers 163430 through 163599 with Check Numbers 163023 Voided
8. July 10, 2023 Payroll Misc. in the Amount of \$3,363.20 Paid by EFT Transactions and Check Number 34693
9. July 25, 2023 Payroll in the Amount of \$1,779,355.04 Paid by EFT Transactions and Check Numbers 34694 through 34715
10. July 26, 2023 Claims in the Amount of \$1,644,964.60 Paid by EFT Transactions and Check Numbers 164222 through 164320 with Check Number 163829 Voided
11. July 31, 2023 Claims in the Amount of \$674.30 Paid by EFT Transaction with Check Number 164321
12. August 2, 2023 Claims in the Amount of \$1,933,692.37 Paid by EFT Transactions and Check Numbers 164321 through 164488
13. August 7, 2023 Claim in the Amount of \$1617.00 Paid by Check Number 164489
14. August 9, 2023 Claims in the Amount of \$1,139,898.36 Paid by EFT Transactions and Check Numbers 164490 through 164655 with Check Numbers 157337, 159418 and 162042 Voided
15. August 10, 2023 Payroll in the Amount of \$1,816,963.62 Paid by EFT Transactions and Check Numbers 34716 through 34736
16. August 16, 2023 Claims in the Amount of \$511,555.17 Paid by EFT Transactions and Check Numbers 164656 through 164765 with Check Number 162610 Voided
17. August 23, 2023 Claims in the Amount of \$3,331,989.09 Paid by EFT Transactions and Check Numbers 164766 through 164910 with Check Number 163801 Voided

**Motion** made by Councilmember Richards, seconded by Councilmember Muller to approve the entire Consent Agenda. **Motion passed unanimously.**

#### **Review Bids**

18. Contract Award - Jennings Nature Park Bathroom Replacement

Director Laycock reviewed this item. Councilmember Richards asked if this was close to the budgeted amount. Director Laycock replied that it was \$300,000 under the budgeted amount for the total project.

Councilmember King asked if the restrooms would be locked up at night for security. Director Laycock replied that they would.

## **Public Hearings**

## **New Business**

### 19. D23-202 Public Assistance Grant Agreement

Emergency Preparedness Manager Sarah Lavelle reviewed this item to reimburse for eligible costs for the November 2022 windstorm that were incurred.

### 20. Data Sharing Agreement with Snohomish County 911

Chief Scairpon reviewed this interlocal agreement which allows Snohomish County 911 to share information with Marysville Police Department. There is no cost associated with this.

### 21. Cell Tower Sublease with Washington State Department of Transportation

City Attorney Walker reviewed this item.

### 22. A Resolution relating to public records; adopting public records act rules; issuing a formal order that maintaining an index would be unduly burdensome, ordering publication of this resolution and the public records act rules and appointing the city clerk as the public records officer.

City Attorney Walker reviewed this item.

### 23. Strawberry Festival Management Agreement

Director Mizell reviewed this. There were no questions or comments.

### 24. A Resolution in Support of the Transfer of Ownership of Gissberg Twin Lakes Park from Snohomish County to the City

Director Mizell reviewed this item.

### 25. A Resolution authorizing the Mayor and Grant Coordinator to act on behalf of the city in regard to grants from the Washington State Recreation and Conservation Office.

Director Mizell reviewed this item.

### 26. Community Project Funding Grant Agreement for the Mother Nature's Window Project

Director Laycock reviewed this item.

27. Local Programs State Funding Agreement and Local Agency Federal Aid Project Prospectus for the Grove Street Overcrossing Project

Director Laycock reviewed this item.

28. Amendment No. 2 to the Ecology Grant Agreement WQC-2018-MaryPW-00094 with the Department of Ecology for the Downtown Stormwater Treatment Project (DSTP) Phase 1

Director Laycock reviewed this item.

29. Amendment No. 1 to the Ecology Grant Agreement WQC-2022-MaryPW-00147 with the Department of Ecology for the Downtown Stormwater Treatment Project (DSTP) Phase 2

Director Laycock reviewed this item.

30. Professional Services Agreement with WSP USA, Inc. for the Grove Street Overcrossing Project

Director Laycock reviewed this item.

31. USDA-APHIS-Wildlife 5-year Cooperative Service Agreement & 2023-2024 Annual Work Plan/Financial Plan

Director Laycock reviewed this item.

32. Coronavirus Fiscal Recovery Funds (CFRF) Interlocal Agreement with Snohomish County– for the Marysville Flood Control Project Grant (CLFR-119b)

Director Laycock reviewed this item.

Councilmember Condyles asked how the diking districts are overseen. Director Laycock explained it is inactive now. The intent is to dissolve it which will be a county process. Councilmember King thought most of the members of the diking district had sold off their property at this point. Director Laycock agreed. Councilmember Muller noted there used to be a line item on property taxes for the diking district which was the funding source. When the dike was breached, that was terminated.

33. Recycling and Organic Waste Collection Services Agreement with Waste Management, Inc.

Public Works Services Manager Skip Knutsen made a presentation regarding the Solid Waste rate study, contracts, and ordinance.

Councilmember Muller asked if having them do the billing would give them more ability to deal with contaminated recycling issues. Mr. Knutsen thought it would.

Council President Norton asked why they weren't charging multifamily previously. Mr. Knutsen was not certain but thought perhaps it had to do with an earlier grant that ran out. Director Laycock agreed that was probably what happened.

34. Third Amendment to Curbside Collected Recyclables, Curbside Collected Yard Waste, Multifamily and Commercial Collection, Processing, Marketing and Disposal Services Agreement with Waste Management of Washington

Skip Knutsen reviewed this item.

Councilmember Muller asked if they are putting something in place to prepare for rate increases in the future. Mr. Knutsen explained they have put increases in place for upcoming years and will look at it again with every budget.

35. An Ordinance Amending chapter 7.08 of the Marysville Municipal Code (MMC) Relating to Solid Waste Rates

Skip Knutsen reviewed this item.

Councilmember Muller asked if this would give them the ability to stay on top of extra items being left out on sidewalks such as couches. Mr. Knutsen explained they have a couple ways to deal with that. People can preschedule for pickup of bulky items. There is a separate rate schedule for that. For things that are being left on the sidewalk, it becomes a code enforcement issue.

Councilmember King asked if it is mandatory for restaurants to subscribe to organics/yard waste service. Mr. Knutsen replied that it isn't mandatory yet. In 2024 there will be a requirement for large producers of organic waste to subscribe to services but this won't apply to most restaurants yet.

Councilmember James asked about the minimum charge for excess bags. Mr. Knutsen reviewed how excess refuse charges are determined.

Councilmember Richards asked about the option to have a once a month pick up for recycling. Mr. Knutsen explained that monthly recycling pickup isn't an option with the current Waste Management contract but they can discuss it with them for the future.

Councilmember Muller asked what the income threshold is for the low-income senior category. Finance Director Ferrer-Santa Ines reported that it was \$45,300 for a household of one with increases for additional people in the home. Councilmember Muller asked if this is publicized. Director Laycock said it is on the website but could also be included in the mailer when they do outreach to address the rates. Councilmember Muller asked about changing the name of "low-income senior" rates to something else avoid any stigma. Director Laycock said they could look into it. Councilmember James asked at what age you qualify for the senior discount. Mr. Knutsen explained it is 62 years old.

Councilmember Condyles asked what the warnings about contaminated recycling look like. Mr. Knutsen replied it is an "oops" tag on the container. Councilmember Condyles asked if the bills reflect the warnings that are given in case someone doesn't see the tag. Mr. Knutsen didn't think so but noted that they plan to be actively involved with customers.

Councilmember Richards asked about the timespan for warnings. Mr. Knutsen said he initially thought it reset annually, but it doesn't appear to be the case. They can take another look at this if needed. This is intended to be an educational mechanism, not a hardship on customers.

Councilmember James asked where the recycling goes. Mr. Knutsen replied that it goes to Cascade Recycling in Woodinville. Councilmember James asked about getting a tour of the recycling facility. Mr. Knutsen said he would arrange for that as soon as it reopens.

36. An Ordinance Amending Chapter 3.67.010 of the Marysville Municipal Code (MMC) Relating to the Solid Waste Department Gross Receipt Tax Rate

Mr. Knutsen reviewed this item.

37. An Ordinance Amending Chapter 3.63.020 of the Marysville Municipal Code (MMC) Relating to the Solid Waste Department Rate Relief for Solid Waste Services

Mr. Knutsen reviewed this item.

38. Interlocal Agreement Regarding Solid Waste Management with Snohomish County

Mr. Knutsen reviewed this item.

39. Solid Waste Management Local Solid Waste Financial Assistance Agreement with the State of Washington Department of Ecology

Mr. Knutsen reviewed this item.

40. Dilapidated Fences in Marysville

Director Miller reviewed this item. Staff has been receiving complaints related to dilapidated fences. She proposed several options and solicited feedback from the Council.

Councilmember Richards asked if Planning Commission had looked at this. Director Miller said they have not.

Councilmember King asked about doing a 50/50 program like they do with sidewalks.

Councilmember James noted that there is no requirement by the City to have a fence, so if a fence is dilapidated, they have the option to fix it or remove it. He noted that some places have quite a bit of land between the sidewalk and where the fence is. Who is responsible for that? Director Miller noted that the property owner is required to maintain the vegetation adjacent to their property. Maintenance could be something that they address in the future.

Councilmember Condyles said he liked the recommended code as presented by staff. He agreed with the funding part and suggested lumping this together with the beautification grant funds in the future.

Councilmember Muller thought that a lot of the fences were not actually optional. They may have been a condition of the plat. Director Miller noted that staff could look into that.

Councilmember Muller said he likes the idea but recommended that if a section of the fence needs replacing, they most likely would want to replace the whole fence to a certain standard so that it looks good. Director Miller noted that staff had only looked into replacing damaged panels. The cost would be a significantly higher number if they are looking at a regional corridor fence improvement. Mayor Nehring agreed with also looking at numbers for a comprehensive corridor improvement (51<sup>st</sup>, 4<sup>th</sup> Street/64<sup>th</sup>, 67<sup>th</sup> Avenue NE).

Councilmember Richards noted that most of this is newly annexed areas. He urged caution on imposing more fees on new residents.

Council President Norton agreed that uniformity would look better and bringing the whole corridor to a certain standard would be desirable. She would be interested in seeing the costs of doing the whole corridor. She was supportive of using beautification grant funds for this. She asked if they had looked into how landscaping could help with the aesthetics even if they have a nice new fence. Director Miller said they had not but they could see if there is a type of plant that wouldn't interfere with the sidewalk.

Councilmember James said if they look at replacing all the fences, they would either have to include gates in all the fences so people can maintain the area outside the fence or the City will have to assume responsibility of caring for the area between the fence and sidewalk.

Councilmember King said he thought this would be a good topic for neighborhood/community meetings.

#### 41. Professional Services Agreement between City of Marysville and Strategies 360 for Consulting Services

CAO Hirashima reviewed the two-year agreement with Strategies 360 for governmental lobbying services.



**Motion** made by Council President Norton, seconded by Councilmember King, to authorize the Mayor to sign and execute the Professional Services Agreement between City of Marysville and Strategies 360 for Consulting Services. **Motion passed unanimously.**

42. An Ordinance Setting Mandatory Minimum Sentences for Certain Crimes Committed by Repeat Offenders and Amending Chapter 6.03 of the Municipal Code.

City Attorney Walker reviewed this item intended to address repeated public disorder crimes. Mayor Nehring expressed appreciation for City Attorney Walker and Chief Scairpon's work on this. He spoke in strong support for some form of this.

Councilmember Muller recommended removing the vagueness of "or more". He was in favor of starting at three and increasing with each occurrence.

Council President Norton thanked staff for working on this and spoke in favor of it.

Councilmember Richards also thanked staff and said he was supportive of it.

Councilmember James asked if this would take away the ability of the judge to have the latitude to make a decision. City Attorney Walker said it would. Councilmember James wondered about having some latitude or compassion for kids that might be having trouble. He wondered about tying it together with drugs. City Attorney Walker said they could add possession if desired by the Council. Mayor Nehring commented that these crimes are the ones that are already tied to drug use. If the discretion is left in, nothing would change, and the average jail stay will remain 6 days.

Councilmember Muller wondered about putting a diversion option in there if they enter a treatment program. City Attorney Walker said they could do that, but he would like to talk to Chief Scairpon about it.

Council President Norton asked how this would impact the drug court/MAP court. City Attorney Walker said they could add that if someone qualifies for MAP court, they could avoid this.

Councilmember Richards asked if they would risk overcrowding the jail with this. Chief Scairpon explained thought there would be plenty of room with the new jail. They currently average 20-30 people with a capacity of 96, but they won't know until they engage in the program. He offered to bring back crime analyst data.

City Attorney Walker indicated staff would bring back some other options.

43. Professional Services Agreement -Supplemental Agreement #2 with Perteet, Inc. for consulting services related to the Riverwalk project.

CAO Hirashima reviewed this item.

**Motion** made by Councilmember Muller, seconded by Councilmember Richards, to authorize the Mayor to sign and execute the Supplemental Agreement #2 with Perteet, Inc. in the amount of \$86,357.00 for a total of \$147,892.00. **Motion passed unanimously.**

### **Mayor's Business**

44. Planning Commission Appointment: Gary Kemp

**Motion** made by Councilmember Richards, seconded by Councilmember James, to approve the appointment of Gary Kemp to the Planning Commission. **Motion passed unanimously.**

45. Parks, Culture, and Recreation Advisory Board Appointments: Tom Lewis and Noah Pylvainen

**Motion** made by Councilmember Richards, seconded by Councilmember Muller, to approve the appointment of Tom Lewis to the Parks, Culture, and Recreation Advisory Board. **Motion passed unanimously.**

**Motion** made by Councilmember Condyles, seconded by Councilmember King, to approve the appointment of Noah Pylvainen to the Parks, Culture, and Recreation Advisory Board. **Motion passed unanimously.**

46. Salary Commission Appointment: Tom Lewis and Vance Titus

**Motion** made by Councilmember Richards, seconded by Councilmember King, to approve the appointment of Tom Lewis to the Salary Commission. **Motion passed unanimously.**

**Motion** made by Councilmember James, seconded by Councilmember Condyles, to approve the appointment of Vance Titus to the Salary Commission. **Motion passed unanimously.**

### **Other Mayor's Business:**

Mayor Nehring acknowledged the Public Works team for receiving an Outstanding Performance Award for the Marysville Wastewater Treatment Plant under the National Pollution Discharge Elimination System Permit from Department of Ecology. He congratulated Director Laycock and presented the award.

### **Staff Business**

City Attorney Walker stated the need for an Executive Session to discuss four items – purchase of real estate, sale of real estate, lease of real estate, and potential litigation. No action was expected; the time was expected to be ten minutes.

CAO Hirashima stated that the beautification grants and hotel motel grants are open now.

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

Councilmember Condyles said he spent a lot of time at the farmers market over August. It was nice to see how it grew as the summer went on. The one comment he heard that from everyone was that they wish it went later in the day so people had time to attend after work.

Councilmember James said he was happy with the Summer Strides program the City of Marysville put on this year. It was a great program.

Councilmember King said the paving projects look great. Touch-a-Truck is happening this Saturday. Connie Mennie is on the Evergreen Fair board. Congrats to her. He acknowledged Sunrise Rotary and Glen Smith who started a Styrofoam recycling program last year.

Councilmember Muller stated he wouldn't be present next week.

Council President Norton welcome new Finance Director Ferrer-Santa Ines.

### **Adjournment/Recess**

9:19 p.m. recess

### **Executive Session**

Council entered Executive Session at 9:25 p.m. to address four items as stated above with no action expected for ten minutes.

- A. Litigation – one item, RCW 42.30.110(1)(b)
- B. Personnel
- C. Real Estate – three items, RCW 42.30.110(1)(c); RCW42.30.110(1)(i)

Executive Session was extended by five minutes and ended at 9:40 p.m. with no action was taken.

### **Reconvene Adjournment**

Council reconvened following the Executive Session at 9:41 p.m.

### **Adjournment**

The meeting was adjourned at 9:41 p.m.

Approved this 26<sup>th</sup> day of September, 2023.

  
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Mayor  
Jon Nehring