

City Council



1049 State Avenue
Marysville, WA 98270

**Regular Meeting
July 26, 2021**

Call to Order

Mayor Nehring called the July 26, 2021 meeting of the Marysville City Council to order in person at City Hall and online via Zoom at 7:00 p.m.

Invocation

Pastor Rick Thiessen of Allen Creek Community Church delivered 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, Police Chief Erik Scairpon, Fire Chief Martin McFalls, Community Development Director Haylie Miller, Public Works Director Esco Bell, City Attorney Jon Walker, Parks Director Tara Mizell, Human Resources Manager Teri Lester, Asst. Finance Director Jan Berg, Community Information Officer (CIO) Connie Mennie, Information Services Director Worth Norton

Approval of the Agenda

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

AYES: ALL

Presentations

A. Ivonne Sepulveda – Marysville Tulalip Chamber of Commerce CEO

Marysville Tulalip Chamber CEO, Ivonne Sepulveda, introduced herself to the City Council.

Audience Participation

Christine McCall, commended the City for the 4th of July festivities. She spoke on the Holbrook project and expressed a variety of questions and concerns. She noted that the mailer only had a QR code and no phone number to register to comment. She also expressed concern about the timing of the meeting being 4 p.m. when a lot of homeowners are at work. She stated that there have been nine families who have moved out of the neighborhood because of this issue. Director Miller explained that the notice/meeting Ms. McCall was referring to was provided by the applicant for a neighborhood meeting. If anyone has issues with the QR phone they can call her or Amy Hess for a link. She thought that the applicant would be willing to converse with any neighbors that are unable to make the afternoon meeting time. She noted that after that meeting staff will be continuing its review of the application including access points. Staff will formulate a recommendation and staff report prior to holding a public hearing held by the Marysville Hearing Examiner.

Kristin Bingaman, 2907 140th Street NW, Marysville, WA 98271, encouraged the Council to work together to make Marysville a place where everyone thrives and provides forgiveness, love and respect for each other. She requested that Critical Race Theory not be allowed in the City of Marysville and acceptance of all skin colors and socio-economic backgrounds is championed.

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

1. Approval of the June 28, 2021 City Council Meeting Minutes

Motion to approve the June 28, 2021 City Council Meeting Minutes moved by Councilmember King seconded by Council President Norton.

AYES: ALL

2. Approval of the July 6, 2021 City Council Work Session Minutes

Motion to approve the July 6, 2021 City Council Work Session Minutes moved by Councilmember Richards seconded by Councilmember Muller.

VOTE: Motion carried 6 - 0

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

ABSTAIN: Councilmember Stevens

3. Approval of the July 12, 2021 City Council Meeting Minutes

Motion to approve the July 12, 2021 City Council Meeting Minutes moved by Council President Norton seconded by Councilmember James.

VOTE: Motion carried 6 - 0

AYES: Council President Norton, Councilmember Vaughan, Councilmember King, Councilmember James, Councilmember Stevens, Councilmember Muller

ABSTAIN: Councilmember Richards

Consent

4. Approval of the July 7, 2021 Claims in the Amount of \$371,420.61 Paid by EFT Transactions and Check Numbers 149196 through 149334
5. Approval of the July 9, 2021 Payroll in the Amount of \$1,691,186.13 Paid by EFT Transactions and Check Numbers 33538 through 33561
6. Approval of the July 14, 2021 Claims in the Amount of \$413,871.01 Paid by EFT Transactions and Check Numbers 149335 through 149347 with Check Numbers 148897 and 149009 Voided
7. Approval of the July 21, 2021 Claims in the Amount of \$3,330,997.54 Paid by EFT Transactions and Check Numbers 149348 through 149551
8. Approval of the July 23, 2021 Payroll in the Amount of \$1,457,047.90 Paid by EFT Transactions and Check Numbers 33562 through 33582

Motion to approve Consent Agenda items 4, 5, 6, 7, and 8 moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

Review Bids

Public Hearings

New Business

9. Consider Approving to Accept the Downtown Stormwater Treatment – Preload Phase Project Starting the 60 day Lien Filing Period for Project Closeout

Director Bell reviewed this project, noting it was completed more than 5% under the bid amount. The work was inspected by staff and certified as physically completed. Staff is recommending approval of the project starting the 60 day lien filing period.

Councilmember Muller asked about some issues discovered on the site. Director Bell explained that the preload showed them they will need to do some fairly expensive foundation work.

Councilmember King asked if the preload that has been in place will remain there as part of the project. Director Bell explained that would depend on the design.

Motion to authorize the Mayor to accept the Downtown Stormwater Treatment – Preload Phase Project Starting the 60 day Lien Filing Period for Project Closeout moved by Council President Norton seconded by Councilmember Muller.

AYES: ALL

10. Consider Approving the Ranney Well Pump and Motor Repair and Replacement Contract with PumpTech, Inc. in the Amount of \$92,178.92

Director Bell reviewed this item regarding repair and replacement of one of the city's Ranney well pumps and motor. Staff recommends the Council authorize the Mayor to sign and execute the revised contract.

Motion to authorize the Mayor to sign and execute the Ranney Well Pump and Motor Repair and Replacement Contract with PumpTech, Inc. in the Amount of \$92,178.92 moved by Councilmember Muller seconded by Councilmember King.

AYES: ALL

11. Consider Approving the License Agreement with the Marysville School District for Trail Parking at Marysville Getchell High School Lot E

Director Bell explained that the Marysville School District has allowed for public use of this lot for users of the trail. The lot will be available on non-school days and hours in exchange for several maintenance activities of the parking lot by the City.

Council President Norton asked how much it will cost to pave the lot. Director Bell explained they would be using grinding instead of paving which will mainly involve labor. Council President Norton asked how the public will be informed about expectations of using this lot. Director Bell explained that still needs to be worked out.

Councilmember King commented that is a great location and will be useful for the community.

Councilmember Richards asked if the lot is outside the gates. Director Bell replied that it is.

Mayor Nehring thanked Public Works for working on this. This is a massively popular trail.

Motion to authorize the Mayor to sign and execute the License Agreement with the Marysville School District for Trail Parking at Marysville Getchell High School Lot E moved by Council President Norton seconded by Councilmember Richards.

AYES: ALL

12. Consider Approving the Sewer Easement Relinquishment for Twin Lakes Landing 2 and Record with the Snohomish County Auditor

Director Bell reviewed Housing Hope's plans to construct a 60-unit affordable housing complex. Upon completion of the project the City will have no need to maintain the existing easement rights. Staff is recommending that Council authorize the Mayor to execute the easement relinquishment document.

Motion to authorize the Mayor to execute the Sewer Easement Relinquishment for Twin Lakes Landing 2 and Record with the Snohomish County Auditor moved by Councilmember Muller seconded by Councilmember James.

AYES: ALL

13. Consider Approving the Supplemental Agreement No. 6 with HDR, Inc. for Phase 1 of the State Avenue (100th Street NE to 116th Street NE) Corridor Improvements Project in the Amount of \$96,121.86

Director Bell reviewed this supplemental agreement with HDR regarding State Avenue improvements which will allow the consultant design team to provide as-needed support for the remainder of this project.

Councilmember James asked about why this was over the original estimate. Director Bell explained it not that unusual with large, complex projects like this. He noted that the original estimate was not a bid, but an estimate of time and materials that would be needed.

Councilmember Vaughan noted he also had wondered about the need for an additional supplemental agreement. He thanked Director Bell for his explanation and asked about his outlook for the rest of the project. Director Bell thought that this should get the City to end of Phase 1. There are some change orders on the construction work, but those are reasonable. Councilmember Vaughan noted that there is normally a management reserve set aside for projects for that purpose. Director Bell said he wasn't anticipating exceeding that amount, but they won't know until they are in the midst of it. He expressed confidence in the team and their ability to manage this project appropriately.

Councilmember King asked about a completion date. Director Bell replied that the bridge is expected to be completed by the end of the year, and the rest of the project will be done early next year.

Councilmember James asked how the work on the intersection near Fred Meyer would be handled in relation to this corridor work. Director Bell was not sure, since that will be a separate project, but indicated he would follow up.

Councilmember Richards asked for confirmation that the bridge would be open when school starts. Director Bell explained that they are only planning for it to be closed for one day, on August 9, to do the girders.

Motion to authorize the Mayor to sign and execute the Supplemental Agreement No. 6 with HDR, Inc. for Phase 1 of the State Avenue (100th Street NE to 116th Street NE) Corridor Improvements Project in the Amount of \$96,121.86 moved by Councilmember James seconded by Councilmember Richards.

AYES: ALL

14. Consider Approving an Interlocal Agreement with City of Anacortes for Outdoor Video Services

Director Mizell reviewed the interlocal agreement with the City of Anacortes.

Motion to authorize the Mayor to sign and execute an Interlocal Agreement with City of Anacortes for Outdoor Video Services moved by Councilmember King seconded by Councilmember James.

AYES: ALL

15. Consider Approving the Memorandum of Agreement with King County Regional Fingerprint Identification System

Chief Scairpon explained this is a continuation of a pilot program, moving into a full-fledged program. These are a series of devices used to help officers in determining the identification of a suspect. There will be a nominal annual cost to cover the warranty of the devices.

Councilmember James asked about the life expectancy of the units. Chief Scairpon was not sure. Councilmember James asked if there is a fee to access King County's system. Chief Scairpon replied that there is not; there is only the Memorandum of Agreement.

Motion to authorize the Mayor to sign and execute the Memorandum of Agreement with King County Regional Fingerprint Identification System moved by Councilmember James seconded by Councilmember Vaughan.

AYES: ALL

16. Consider Approving the Memorandum of Understanding with Snohomish County Multiple Agency Response Team (SMART)

Chief Scairpon reviewed this item related to the SMART team which would do an independent investigation on the use of force by officers. It has been a model for in-state teams in the past and has been a leader in the nation. This agreement has the most recent law enforcement reforms in it and is compliant with state law.

Motion to authorize the Mayor to sign and execute the Memorandum of Understanding with Snohomish County Multiple Agency Response Team (SMART) moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

17. Consider Approving the Grant Funding Contract with Washington Association of Sheriffs and Police Chiefs (WASPC) for Mental Health Field Services

Chief Scairpon reviewed these funds approved by WASPC for the funding of three mental health professionals for the regional mental health embedded law enforcement teams.

Councilmember King asked how time would be shared. Chief Scairpon explained that the three professionals will rotate between the communities, but the details still need to be worked out.

Motion to authorize the Mayor to sign and execute the Grant Funding Contract with Washington Association of Sheriffs and Police Chiefs (WASPC) for Mental Health Field Services moved by Council President Norton seconded by Councilmember Muller.

AYES: ALL

18. Consider Approving the Interagency Data Sharing Agreement with Washington State Auditor's Office

Asst. Finance Director Berg reviewed this item regarding data sharing of confidential information.

Councilmember Muller asked what kind of data they are referring to. Asst. Director Berg confirmed it is just financial data, not personal information.

Motion to authorize the Mayor to sign and execute the Interagency Data Sharing Agreement with Washington State Auditor's Office moved by Councilmember Muller seconded by Councilmember James.

AYES: ALL

19. Consider Approving a Resolution Setting a Public Hearing Date of September 13, 2021 to consider the Vacation of the Existing Public Right-of-Way that was dedicated with the Recording of the Subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2, and Waiving Compensation for said Vacation

Director Miller explained this Resolution would schedule a public hearing for September 13 to consider vacating an existing public right-of-way that was dedicated with the recording of the Sunnyside Ridge subdivisions. This piece of property was originally planned for the extension of 67th Avenue NE. Since that dedication occurred, the Comprehensive Plan was amended to revise that connection point so this right-of-way is no longer needed. Staff is proposing waiving the compensation for this right-of-way as the applicant will be improving 44th Street NE in that area.

Councilmember King asked about the improvements on 44th. Director Miller replied it will be curbs, gutters, and sidewalks. Councilmember King asked if the curbs will be realigned from 67th to 44th. Director Miller referred to the map and noted it will be a nice curve.

Councilmember James asked this would still be the main connection to 71st. Director Miller that 67th would connect to 71st through 44th Street. She indicated that she would provide a better map to Council for the public hearing.

Councilmember James asked if 67th will be improved as well since curbs and sidewalks are needed there. Director Miller indicated she would follow up on that and provide it for the public hearing. Councilmember Muller commented that this is one of the changes resulting from the break in access at Highway 92. The intention is that this would become the arterial to bring people down from the break in access.

Motion to approve Resolution No. 2505, a Resolution Setting a Public Hearing Date of September 13, 2021 to consider the Vacation of the Existing Public Right-of-Way that was dedicated with the Recording of the Subdivisions known as Sunnyside Ridge and Sunnyside Ridge Division 2, and Waiving Compensation for said Vacation moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

20. Consider Approving an Ordinance extending the Cable Franchise term by one year and Authorizing the Mayor to sign the Second Amendment Agreement with Frontier Communications

City Attorney Walker reviewed this extension of the contract with Frontier Communications.

Councilmember Muller asked what would happen if the City refused to approve this. City Attorney Walker suggested discussing this with the Mayor, noting he didn't think they would have much leverage with this particular provider.

Councilmember James asked if by extending this to Frontier for another year it could interfere with expansion of Comcast. City Attorney Walker generally commented on acquisition strategies and considerations. He thought the marketplace would sort those things out. Councilmember James asked what would happen if the City doesn't approve this. City Attorney Walker explained that thousands of customers would immediately lose their service with no option for service until another provider goes in their neighborhood. He noted that the City should be providing franchises on an equal basis to whoever wants to provide those services.

Councilmember Muller expressed concern about smaller companies in this industry that are not putting reinvestment capital back into the system. He thought that Ziplly's investment into the community is not much. He commented that in the future he would

like to see what the investment is by the companies into the community to make it better.

Councilmember James asked about the timeline for this and the possibility of tabling this until they get more information about the numbers referred to by Councilmember Muller. City Attorney Walker explained this is set to expire on August 7.

Mayor Nehring explained they could ask for the numbers regarding reinvestment into the community without holding up the negotiating. CAO Hirashima concurred. She also offered to do a comparison of franchise agreements and provide it to Council at the next renewal. City Attorney Walker commented that there is a provision that the company is required to provide the City with occasional access to their records. Director Norton explained there are very strict protocols on how to move forward with negotiating a franchise which are laid out by federal law, and it takes almost a year.

Mayor Nehring commented that if this passes he presumes that the direction of the Council is for staff to communicate to this company that they want to see the numbers of the investment and that they plan to have a thorough review of that before any future extension. The Council concurred.

Motion to approve Ordinance No. 3188 extending the Cable Franchise term by one year and Authorizing the Mayor to sign the Second Amendment Agreement with Frontier Communications moved by Councilmember Richards seconded by Councilmember King.

VOTE: Motion carried 6 - 1

AYES: Council President Norton, Councilmember Vaughan, Councilmember King, Councilmember James, Councilmember Richards, Councilmember Stevens

NOES: Councilmember Muller

Legal

Mayor's Business

21. Planning Commission Appointment

Motion to approve the appointment of Sunshine Kapus to the Planning Commission for a five-year term expiring in 2026 moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

22. Community and Housing Development Citizens Advisory Committee Appointments

Motion to confirm the appointment of Jasmyn Davis to the Community and Housing Development Citizens Advisory Committee moved by Council President Norton seconded by Councilmember King.

AYES: ALL

Motion to confirm the appointment of Mike Leighan to the Community and Housing Development Citizens Advisory Committee moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

Motion to confirm the appointment of Roger Hoen to the Community and Housing Development Citizens Advisory Committee moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

Motion to confirm the appointment of Mark James to the Community and Housing Development Citizens Advisory Committee moved by Councilmember King seconded by Councilmember Richards.

AYES: ALL

Motion to confirm the appointment of Tom King to the Community and Housing Development Citizens Advisory Committee moved by Councilmember James seconded by Councilmember Vaughan.

AYES: ALL

Motion to confirm the appointment of Greg Kanehen to the Community and Housing Development Citizens Advisory Committee moved by Council President Norton seconded by Councilmember Muller.

AYES: ALL

Motion to confirm the appointment of Daryn Bundy to the Community and Housing Development Citizens Advisory Committee moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

Motion to confirm the appointment of Jodi Condyles to the Community and Housing Development Citizens Advisory Committee moved by Councilmember Muller seconded by Councilmember King.

AYES: ALL

Motion to confirm the appointment of William Hill to the Community and Housing Development Citizens Advisory Committee moved by Councilmember Richards seconded by Councilmember James.

AYES: ALL

23. Parks, Culture, and Recreation Advisory Board Appointments

Motion to confirm appointment of Michael Oliphant to the Parks, Culture, and Recreation Advisory Board moved by Council President Norton seconded by Councilmember Muller.

AYES: ALL

Motion to confirm re-Appointment of Gayle Bluhm to the Parks, Culture, and Recreation Advisory Board moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

Motion to confirm the re-appointment of Jodi Condyles to the Parks, Culture, and Recreation Advisory Board moved by Council President Norton seconded by Councilmember James.

AYES: ALL

Staff Business

Director Bell had no additional comments.

Chief Scairpon commented that police are currently doing a boat rescue right now. He noted that the police are wearing mourning bands for the Clark County Detective Jeremy Brown who was killed in the line of duty. He reported that the police shared a message to the community on how the police reforms are affecting the community. The Police Department's message is, "Call us. We will come." He stressed that the police are committed to working through these issues.

Chief McFalls had no additional comments.

Director Miller had no additional comments.

Director Mizell had no additional comments.

HR Manager Lester had no additional comments.

PIO Mennie had no additional comments.

Director Norton had no additional comments.

City Attorney Walker stated the need for an Executive Session to address four items including two potential litigation items with no action expected, one item regarding the sale of real estate with no action expected, and one item regarding the lease of real estate with action expected. The estimated time was 30 minutes.

CAO Hirashima had no additional comments.

Call on Councilmembers and Committee Reports

Councilmember Vaughan had no additional comments.

Councilmember James thanked Chief Scairpon for the Police Department's message to the community. Thanks to the Chief McFalls for all that the Fire Department has been doing lately.

Councilmember King reported that the two concerts in the park had good turnout. The first movie was on Saturday and also had a good turnout. Hanging baskets around town look good. Next Tuesday is the Night Out Against Crime. The new logos on city vehicles look good.

Councilmember Stevens wished everyone a great break.

Councilmember Richards thanked Councilmember King for filling in for him last week when he was out of town. He had a good meeting with Directors Bell and Miller before he went out of town. He will be doing ride-alongs with police and fire in the next week.

Councilmember Muller had no additional comments.

Council President Norton thanked citizens for their comments tonight.

Adjournment/Recess

Council recessed at 8:32 p.m.

Executive Session

Council reconvened in Executive Session at 8:40 p.m. for an estimated 30 minutes to address four items including two potential litigation items with no action expected, one item regarding the sale of real estate with no action expected, and one item regarding the lease of real estate with action expected. The estimated time was 30 minutes which was extended by 15 minutes and 5 minutes.

- A. Litigation - two potential litigation items with no action expected
- B. Personnel
- C. Real Estate - one item regarding the sale of real estate with no action and one item regarding the lease of real estate with action expected

Reconvene

Council reconvened the regular meeting at 9:35 p.m.

Motion to authorize the Mayor to execute the Second Amendment to the lease with Bleachers moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

Motion to authorize the Mayor to approve the settlement agreement for grievance DRH-21-001 moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

Adjournment

The meeting was adjourned at 9:38 p.m.

Approved this _____ day of _____, 2021.

Mayor
Jon Nehring