

City Council



1049 State Avenue
Marysville, WA 98270

**Regular Meeting
September 13, 2021**

Call to Order

Mayor Nehring called the September 13, 2021 City Council Meeting to order at 7:00 p.m.

Invocation

Pastor Aaron Thompson gave 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 Steve Muller

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Finance Director Sandy Langdon, Community Development Director Haylie Miller, Information Services Director Worth Norton, City Attorney Jon Walker, Community Information Officer (CIO) Connie Mennie, Utilities Manager Karen Latimer, City Engineer Jeff Laycock, Parks & Recreation Director Tara Mizell, Police Chief Erik Scairpon, Fire Chief Martin McFalls, Systems Analyst Mike Davis

Absent: Councilmember Michael Stevens

Motion to excuse the absence of Councilmember Stevens moved by Councilmember James 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

Audience Participation

In response to written communication received earlier, Director Miller gave an update on the Holbrook development. The City completed the environmental review a couple weeks ago, and there was an appeal by the HOA regarding the checklist related to traffic concerns. Staff has asked for additional information from the applicant. Once that is received, staff will fold that into its recommendation to the Hearing Examiner who will have the ultimate authority to decide on the appeal and the preliminary plat. She thanked citizens who have commented and encouraged them to continue to participate in the process.

Approval of Minutes

1. Approval of the July 26, 2021 City Council Meeting Minutes

Motion to approve the July 26, 2021 City Council Meeting Minutes moved by Councilmember King seconded by Council President Norton.

AYES: ALL

2. Approval of the August 3, 2021 Special City Council Meeting Minutes

Motion to approve the August 3, 2021 Special City Council Meeting Minutes moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

3. Approval of the August 20, 2021 Special City Council Meeting Minutes

Motion to approve the August 20, 2021 Special City Council Meeting Minutes moved by Councilmember James seconded by Councilmember King.

AYES: ALL

Consent

7. Approval of the August 11, 2021 Claims in the Amount of \$955,389.93 Paid by EFT Transactions and Check Numbers 149804 through 149975
8. Approval of the August 18, 2021 Claims in the Amount of \$478,764.59 Paid by EFT Transactions and Check Numbers 149976 through 150055

9. Approval of the August 25, 2021 Claims in the Amount of \$1,297,823.92 Paid by EFT Transactions and Check Numbers 150056 through 150250
10. Approval of the August 25, 2021 Payroll in the Amount of \$1,443,581.95 Paid by EFT Transactions and Check Numbers 33607 through 33626 with Check Number 112258 Voided
15. Consider Approving the Auto Theft Task Force Interlocal Agreement with Snohomish County
16. Consider Approving the Licensing Agreement with Snohomish County Sheriff's Office for use of the Sheriff's Office Gun Range
17. Consider Approving the Agreement with North Whidbey Sportsmen's Association for use of the North Whidbey Sportsmen's Association Gun Range
18. Consider Approving the Agreement with JA Brennan for Design Services at Comeford Park
19. Consider Approving the Memorandum of Agreement for a Demonstration Garden with Washington State University
20. Consider the Strategic Energy Management Funding Agreement with Snohomish County PUD No. 1

Motion to approve Consent Agenda items 7, 8, 9, 10, 15, 16, 17, 18, 19, and 20 moved by Councilmember Richards seconded by Councilmember Vaughan.

AYES: ALL

Review Bids

11. Consider the Rejection of the Opera House Exterior Repair and Painting Bid in the Amount of \$219,108.25

Utility Manager Latimer explained staff is recommending rejection of this bid and going out to bid again later this year when there is potentially a better bidding climate.

Motion to reject the Opera House Exterior Repair and Painting Bid in the Amount of \$219,108.25 moved by Councilmember King seconded by Councilmember Muller.

AYES: ALL

12. Consider the Comeford Reservoir Recoat Contract with Mericka Group, LLC in the Amount of \$447,911.40, and a Management Reserve of \$44,791.14, for a Total Allocation of \$492,702.54

Utility Manager Latimer reviewed this item. Staff is recommending award of the contract with Mericka Group for the recoat and minor repairs of the Comeford Park reservoir.

Motion to authorize the Mayor to sign and execute the Comeford Reservoir Recoat Contract with Mericka Group, LLC in the Amount of \$447,911.40, and a Management Reserve of \$44,791.14, for a Total Allocation of \$492,702.54 moved by Council President Norton seconded by Councilmember Vaughan.

AYES: ALL

Public Hearings

13. Consider an Ordinance Vacating the Unopened Public Right-of-Way and Waive Compensation for Said Vacation

Community Development Director Miller explained staff is recommending the City waive all compensation for the right-of-way. This portion of right-of-way is no longer needed. The developer will be constructing frontage improvements on it.

The public hearing was opened at 7:21 p.m. Public comments were solicited.

Jim Alt, who lives at south end of right-of-way, asked what would happen to the right-of-way now. Director Miller explained it would be relinquished back to the contractor as part of their development. She reviewed the background of this right-of-way and what would happen to it now.

Paul Levitt with Keystone Land stated he was representing the developer on this project and was available for questions.

Seeing no further comments the public hearing was closed at 7:26 p.m.

Council comments and questions: None

Motion to adopt Ordinance No. 3189 Vacating the Unopened Public Right-of-Way and Waive Compensation for Said Vacation moved by Councilmember Muller seconded by Councilmember James.

AYES: ALL

New Business

21. Consider an Ordinance Authorizing the City to Use Eminent Domain to Acquire Property for the 80th Street NE Non-Motorized Project

City Attorney Walker reviewed this item.

Motion to approve Ordinance No. 3190 Authorizing the City to Use Eminent Domain to Acquire Property for the 80th Street NE Non-Motorized Project moved by Councilmember King seconded by Council President Norton.

AYES: ALL

23. Consider Approving the Hotel/Motel Committee Members for 2021-2022

CAO Hirashima explained the four members represent Holiday Inn Express, La Quinta Inn and Suites, Downtown Merchants, and Marysville-Tulalip Chamber of Commerce. The Committee is expected to convene this fall to review applications.

Motion to approve the Hotel/Motel Committee Members for 2021-2022 as listed in the agenda bill moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

24. Consider Approving the Community Beautification Program Grant Review Committee's Recommendation on Award Funding

CAO Hirashima reviewed the Community Beautification Grant awards which represent various improvements around the city. Clarification questions followed. Councilmember King said he would like to see the projects when they are completed. CAO Hirashima replied that staff would notify the Council when these are complete. So far it has been a really good program.

Motion to approve the Community Beautification Program Grant Review Committee's Recommendation on Award Funding moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

Legal

Mayor's Business

- Thanks to Fire, Police, City Council, staff and everyone involved in the 9/11 anniversary ceremony on Saturday. It was very nicely done.
- He attended a reception that WSU Everett had with President Shultz. It was nice to see the offerings available there. This is a great opportunity for students to get a nice four-year degree locally.
- He is working with City Attorney Walker on a Memorandum of Understanding with a group out of Korea related to funding business development for Korean firms in the US.

Staff Business

Chief Scairpon reported on a couple legislative meetings he and Assistant Chief Lawless will be having with state representatives and senators related to law enforcement reforms that came out and recommendations for the future. He also reported that one of their officers had worked with state DOT and obtained trespass authorization on property that the DOT owns for the department to enforce trespassing issues more quickly.

Chief McFalls thanked everyone for the help with the 9/11 ceremony. He especially thanked Mayor Nehring for his inspiring remarks in remembrance of that day.

Director Miller reported that the Planning Commission is holding a public hearing tomorrow night on the Downtown Master Plan changes. This will be coming back to the Council soon.

City Engineer Laycock stated he would get in touch with Mr. Pearce directly to address his comments on the interchange at 4th Street. He gave an update on the State Avenue project. He is happy to see the WSU program in the area.

Utility Manager Latimer had no further comments.

CIO Mennie discussed an opportunity to buy a shirt to promote awareness around domestic violence awareness in October. People are being encouraged to wear the shirts on Tuesdays in October. She also noted that the City's new communications specialist, Amy Johnson, is a graduate of WSU Everett. It is nice to have a pool of folks from five miles up the road to draw from.

Director Mizell echoed the encouragement to help raise awareness around domestic violence. She spoke to the importance of continuing to discuss this issue. The first art night will be happening this week at the Opera House.

Director Norton had no comments.

Director Langdon had no comments.

City Attorney Walker stated the need for an executive session to discuss one item of pending litigation with action expected and one community bargaining update item with no action for a total of 15 minutes.

CAO Hirashima had no further comments.

Call on Councilmembers and Committee Reports

Councilmember Vaughan echoed appreciation for the 9/11 ceremony.

Councilmember Muller also appreciated the ceremony. He asked about getting the lower limbs cut on the trees surrounding the monument for better visibility. CAO Hirashima explained the monument would be moved to the new civic campus. Councilmember Muller was pleased to hear this.

Councilmember King said he was honored to attend the 9/11 ceremony on Saturday. He is pleased to see work progressing on the hotel at 116th Street. He attended an event at the Opera House recently and was impressed with the new sprinkler system. He is happy they are preserving the water tower.

Councilmember James also expressed appreciation for the 9/11 ceremony. He is looking forward to seeing the monument at the new campus.

Councilmember Richards reported on the recent Park Board meeting. They talked about the pump track which is moving forward. They are moving forward on an remote-controlled (RC) car track near Strawberry Fields. A scout showed up and discussed an Eagle Scout project which would place mason bee houses in Doleshel Park to help increase the bee population. The 9/11 ceremony was very moving, and he is glad the City does that.

Council President Norton asked City Engineer Laycock to forward his response to Robert Pearce. City Engineer Laycock indicated he would; he is also planning on talking directly with Mr. Pearce on the phone. Council President Norton was pleased to hear about the trespass order which will help keep the gateway to the city looking nice and welcoming. She thanked the Fire District and city staff for the 9/11 ceremony. She is also very appreciative that the city does this every year.

Adjournment/Recess

Council recessed at 7:51 for five minutes before reconvening in Executive Session.

Executive Session

Executive Session began at 7:56 and lasted 15 minutes to discuss two items.

- A. Litigation - one item related to pending litigation with action expected
- B. Personnel - one update on a community bargaining agreement
- C. Real Estate

Reconvene

Council reconvened the regular meeting at 8:11 p.m.

Motion to authorize the Mayor to sign a settlement agreement with plaintiff, Heather Hahn, moved by Councilmember Muller seconded by Councilmember James.

AYES: ALL

Adjournment

Motion to adjourn the meeting moved by Councilmember King seconded by Councilmember Richards.

AYES: ALL

The meeting was adjourned at 7:53 p.m.

Approved this _____ day of _____, 2021.

Mayor
Jon Nehring