

City Council



1049 State Avenue
Marysville, WA 98270

**Work Session
October 4, 2021**

Call to Order

Mayor Nehring called the October 4 Work Session of the Marysville City Council to order at 7:00 p.m.

Pledge of Allegiance

Mayor Nehring led those in attendance in 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, Finance Director Sandy Langdon, Community Development Director Haylie Miller, Information Services Director Worth Norton, City Attorney Jon Walker, Human Resources Manager Teri Lester, Interim Utilities Director Karen Latimer, Interim Public Works Director Jeff Laycock, Parks & Recreation Director Tara Mizell, Police Chief Erik Scirpon, Fire Chief Martin McFalls, Community Information Officer (CIO) Connie Mennie, Assistant Chief Jim Lawless, Systems Analyst Mike Davis, Senior Prosecutor Jennifer Millett

Approval of the Agenda

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

AYES: ALL

Presentations

- A. Proclamation: Declaring October 2021 Domestic Violence Awareness Month

Mayor Nehring read the proclamation into the record. He thanked CIO Mennie, the Police Department, the Parks Department, and the prosecutors who help educate and provide domestic violence services to the community.

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

Consent

1. Approval of the September 22, 2021 Claims in the Amount of \$1,226,348.98 Paid by EFT Transactions and Check Numbers 150601 through 150739
2. Approval of the September 29, 2021 Claims in the Amount of \$2,993,155.86 Paid by EFT Transactions and Check Numbers 150740 through 150809

Review Bids

Public Hearings

3. Consider an Ordinance Amending Title 22 of the Marysville Municipal Code by Amending Sections 22A.020.060, 22C.010.060, 22C.010.070, 22C.020.060, 22C.020.070, 22C.080.120; 22C.080.130, Establishing a New Chapter 22C.280, Enhanced Services Facilities; and Repealing Ordinance 3182, Which Renewed the Moratorium of Ordinance 3168 (Public Hearing to be held October 11, 2021)

Community Development Director Miller introduced this item, noting that a public hearing is scheduled for October 11 related to this item. She reviewed changes which had been incorporated since the last time Council reviewed this as suggested by Council and the Economic Development Committee. The map has also been updated to clarify boundaries. There were no comments or questions.

New Business

4. Consider the Easement Amendment for Project Roxy

Interim Director Laycock reviewed this item amending a previous easement to remove the water main which is being abandoned on the Amazon site.

Councilmember King asked if there are records of abandoned water lines in the city for excavation purposes. Interim Director Laycock explained there are records which show where these are, but locates are not normally done.

5. Consider the Interagency Agreement with Washington Traffic Safety Commission for Participation in the Target Zero Task Force and Related Grant Funding

Assistant Chief Lawless reviewed this renewal of a current interlocal agreement related to a countywide task force with a goal of reducing traffic fatalities and injury collisions. There were no comments or questions.

6. Consider an Ordinance Amending Title 22 of the Marysville Municipal Code by Amending Section 22A.010.070 and Adding New Code Sections 22A.010.075, 22C.010.055, 22C.020.055, 22C.010.075 AND 22C.020.075, Administration of the Unified Development Code (UDC)

Director Miller reviewed this item relating to modification of the Unified Development Code.

Councilmember Muller asked why appeals wouldn't come back to the Planning Commission and Council instead of the Hearing Examiner. Director Miller explained this is a normal process for Marysville and is a way to maintain consistency. She suggested discussing this at the planning retreat if there was an interest in changing the process. Councilmember Muller remarked that when it comes to business uses he thinks the Council should be involved, at least in this section of the code. Director Miller discussed safeguards built into the code and explained how the Hearing Examiner process provides balance and fairness in the process.

Councilmember Richards asked how often things go before the Hearing Examiner. Director Miller thought it was approximately 5-10 items a year.

Councilmember Vaughan suggested revisiting this after the planning retreat. CAO Hirashima explained they could do further research regarding appeals of land use interpretation related to this new section. Director Miller suggested waiting to take action on this since there is no rush.

7. Consider an Ordinance Adopting RCW 9.61.260, Cyberstalking, by Reference

City Attorney Walker reviewed this item related to cyberstalking.

8. Consider an Ordinance Amending Chapter 6.56 of the Marysville Municipal Code to Add a Crime of Exposing a Minor Child to Domestic Violence and Providing for a Non-merger of Domestic Violence Crimes

City Attorney Jon Walker introduced this item. Senior Prosecutor Jennifer Millett discussed the far-reaching and complex impacts of domestic violence on children and how this ordinance would address the secondary impacts of domestic violence.

Councilmember James asked if there is a precedence for this with other cities. Ms. Millett explained that Lynnwood and Edmonds have had laws on the books for a while. Auburn, Puyallup and Issaquah have also adopted similar statutes. Councilmember James raised a concern about a recent situation he had heard of. Ms. Millett explained this only would only apply to a person who was committing a crime of domestic

violence. The victim of a violent crime would not be the one charged. Also, the prosecution team has a lot of experience and has the ability to dismiss cases where they don't believe a crime occurred or the wrong party was charged. They also have the ability to specifically tailor the sentence that would be given. City Attorney Walker added that the child would have to be the biological or step child of one of the parties or be residing in the home where it occurs. He acknowledged that it can be complicated, but Marysville's legal staff has extensive experience to understand those complexities.

Councilmember Richards asked how long it would be until the 15-day sentence is imposed. Ms. Millett explained it would begin after they have been convicted which can take 3-6 months or even longer.

Councilmember King asked if this would apply to foster children. City Attorney Walker replied it would apply if they were residing in the household.

9. Consider an Ordinance Amending the 2021-2022 Biennial Budget and Providing for the Increase of Certain Expenditure Items as Budgeted for in Ordinance No. 3160

CAO Hirashima reviewed proposed budget amendments. There were no comments or questions.

Legal

Mayor's Business

Mayor Nehring had the following comments:

- He referred to an online comment from Jennica Knuckles, a ten-year old in the community, who had some thoughts she shared with the Council. He noted that he had communicated with her mom and let her know the Council was looking at some of the items she had brought up.
- There was a nice ribbon cutting at Dalton's Midway North, a new auto repair shop in Marysville.
- He met Josh Menzel, the new Captain of Naval Station Everett, last week.
- He and many others attended the memorial that Kiwanis put on for Walt McKinney and Mike Ferri.
- Staff is trying to find a date for the planning retreat mentioned earlier.

Staff Business

Director Norton had no comments.

Chief Scairpon:

- He reviewed property recovery successes that police have had this year as well as other crime statistics.

- Asst. Chief Lawless and others in the team have rolled out the body-worn camera program.
- The National Faith in Blue event will be happening this weekend.
- He also gave updates on hiring.

Chief McFalls commented that it was good to hear all the good news from police.

Director Langdon reminded Council of the Finance Committee meeting tomorrow at 11:30.

Director Mizell reported that the Elvis show is sold out, and there is a waiting list.

Director Laycock gave an update on projects around the City.

Director Latimer had no comments.

CIO Mennie reported that Vicci Hilty, the CEO of Domestic Violence Services, was not able to join the meeting tonight, but she had passed on her thanks for the support. CIO Mennie encouraged people to wear purple this month on Tuesdays to expand awareness of the domestic violence issue.

Director Miller had no comments.

Human Resources Manager Lester had no comments.

City Attorney Walker had no comments.

CAO Hirashima thanked all the city team members that have been participating in the Domestic Violence Services community groups. She reviewed improvements to services that have been made as a result of cultivating partnerships and stated she is very proud of what the City has done.

Call on Councilmembers and Committee Reports

Councilmember James:

- He agreed that the ribbon cutting at Dalton's was a nice event.
- He enjoyed the Regional Apprenticeship Program anniversary event.
- He gave an update on the Government Affairs Committee meeting with the school district. He reported that hundreds of students are quarantined each week.

Councilmember King:

- He also reported on the Governmental Affairs Committee meeting. Topics discussed included the mascot issue, quarantined school kids, and a school district enrichment levy coming up.

- Fire Finance Committee met today and reviewed forecasted revenue and expenses for the next several years.
- The pickleball court looks great. He thinks it will be a nice addition.
- He enjoyed the ribbon cutting at Dalton's.
- He thanked the City for the memorial event last week at the Kiwanis Park in memory of Walt McKinney and Mike Ferri.

Councilmember Richards commented that he appreciated the letter from Jennica Knuckles.

Councilmember Stevens stated he was happy to be home and ready to get back to work.

Councilmember Vaughan had no comments.

Councilmember Muller:

- He reported that the school district is moving forward with looking for a new superintendent.
- The Public Works Committee met on Friday, October 1. They are working on the Stormwater Management Plan and received an update on operations and transportation improvements.
- He toured the new facility on Thursday and was pleased to see how far it has progressed. He was especially impressed with the new jail.

Council President Norton:

- She thanked everyone in the City who has been working on the domestic violence issue.
- She referred to a resolutions she had proposed with the assistance of City Attorney Walker requesting that the Washington State legislature clarify some of the recent law enforcement legislation that was passed during the last session.
 - City Attorney Walker added that Chief Scairpon was a big help in drafting this resolution.
 - Chief Scairpon commented that the police officers appreciate the support from the Council. He spoke in support of the legislature removing conflicts of law and ambiguities so they have a safer city and ultimately a safer state.
 - Councilmember James spoke in support of this item.
 - Councilmember King agreed and thanked Council President Norton for her efforts.
 - Councilmember Richards asked when the Council would take action on this. Council President Norton noted it could be done next week or tonight.
 - Councilmember Stevens spoke in support of this and of taking action tonight or next week.
 - Councilmember Muller spoke in support of this, but noted that the draft doesn't clearly address the actual outcome that they are dealing with as a result of these laws. He thought that should be included.

- Councilmember Vaughan thanked City Attorney Walker and Council President Norton for working on this. He agreed with previous comments and spoke in support of passing it either tonight or next week. He also agreed with Councilmember Muller's concern. He asked whether this would have the signature of the Mayor or the Council President since it was initiated by the Council. City Attorney Walker replied that resolutions generally have signature of the Mayor. He noted that all resolutions are strictly a council undertaking. Regarding the concerns about the language not being more direct, he noted that Marysville is not having some of the problems other departments are because of the way the department has adjusted. Chief Scairpon explained that they are having favorable conversations with legislators, and the approach they wanted to take was one of calling for the action.

Resolution related to police reforms asking the Washington State legislature to clarify some of the recent legislation that was passed during the last session.

Motion to amend Council rules to take action on this tonight moved by Councilmember Muller seconded by Councilmember James.

AYES: ALL

Motion to approve Resolution No. 2507 moved by Councilmember Richards seconded by Councilmember James.

AYES: ALL

Adjournment

Motion to adjourn the meeting at 8:35 p.m. moved by Council President Norton seconded by Councilmember James.

AYES: ALL

The meeting was adjourned at 8:35 p.m.

Approved this _____ day of _____, 2021.

Mayor
Jon Nehring