

COUNCIL



MINUTES

Work Session *January 5, 2015*

Call to Order / Pledge of Allegiance

Mayor Nehring called the Work Session to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

Roll Call

Chief Administrative Officer Hirashima gave the roll call. The following staff and councilmembers were in attendance.

Mayor: Jon Nehring

Council: Steve Muller, Kamille Norton, Jeff Seibert, Michael Stevens, Rob Toyer, Jeff Vaughan, and Donna Wright

Absent: None

Also Present: Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, City Attorney John Walker, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, and Recording Secretary Laurie Hugdahl.

Mayor Nehring asked Council to approve tonight's agenda and consider waiving the normal rules for a study session in order to allow a vote for committee appointments later in the agenda.

Motion made by Councilmember Stevens, seconded by Councilmember Vaughan, to approve the agenda with the ability to vote on items under Mayor's business regarding committee assignments. **Motion** passed unanimously (7-0).

Committee Reports

Discussion Items

Approval of Minutes

1. Approval of December 1, 2014, City Council Work Session Minutes.
2. Approval of December 8, 2014 City Council Meeting Minutes.

Consent

3. Consider Approval of the December 10, 2014 Claims in the Amount of \$266,337.63; Paid by Check Numbers 96550 through 96664 with Check Number 96364 voided.
4. Consider Approval of the December 17, 2014 Claims in the Amount of \$677,769.81; Paid by Check Numbers 96665 through 96842 with Check Numbers 94464 and 95617 Voided.
5. Consider Approval of the December 24, 2014 claims in the amount of \$648,508.69 paid by Check Numbers 96843 through 97002 with Check Numbers 89356, 94638, 96757 and 96801 voided.
6. Approve the December 19, 2014 payroll in the amount \$1,252,324.62 Check Numbers 28457 through 28498.

Review Bids

Public Hearings

New Business

7. Consider the Fuel Tax Grant Distribution Agreement with the Transportation Improvement Board thereby Securing Funding for the Grove Street Sidewalk Improvements Project from State Avenue to Cedar Avenue.

Director Nielsen stated that this is a grant with TIB to put sidewalks in on Grove Street from Cedar Avenue to State Avenue. This does not include pavement or other improvements such as channelization, but staff will be looking into that because this is a potential location for an undercrossing.

8. Consider the Interlocal Agreement with Snohomish County for Participation in County's Overlay Program.

Director Nielsen explained this is an Interlocal Agreement with the County to participate in their annual overlay program. He explained it is a new program that can go up to \$500,000. The County is considering using a new asphalt mix which is thinner and will go further. The life expectancy is still 20 years. It is possible that all of Sunnyside can be done with the TBD money set aside this year for overlays.

9. Consider the Local Agency Agreement Supplement No. 1 with WSDOT in the Amount of \$12,000.

Director Nielsen stated this is a supplement for the signal at 528 and 53rd to support WSDOT's review and construction review of the project.

10. Consider Acceptance of the Police Evidence Building Expansion Project with Obom Construction, Starting the 60-Day Lien Filing Period for Project Closeout.

Director Nielsen stated that this is done and ready for acceptance. He added that the police are very pleased with it.

11. Consider a **Resolution** of the City of Marysville, Washington Related to Nonconforming Situations amending Marysville Municipal Code (MMC) Sections 22C.100.030(3) and MMC 22C.100.040(3); and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

Planning Manager Holland explained that this Resolution relates to setting a hearing regarding a proposed vacation for a portion of 25th Avenue NE for the commercial project of Lakewood Station. He summarized the history of this item.

12. Consider an **Ordinance** Related To Master Planned Senior Communities By Amending Marysville Municipal Code (MMC) Section 22C.020.060 Permitted Uses; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Repealing Ordinance 2969 and Terminating the Moratorium Established therein; and Providing for Severability and Effective Date.

Planning Manager Holland explained that this relates to the six-month moratorium for master planned senior communities within commercial zones. The Planning Commission did work sessions and held a public hearing and is recommending that master planned senior communities not be permitted within the Neighborhood Business, Community Business, General Commercial and Downtown Commercial zones. This would be compatible with the current 20-year Land Use Plan.

13. Consider an **Ordinance** Related to Enactments Adopted by the Washington State Legislature by Amending Marysville Municipal Code (MMC) Sections 22C.020.060 Permitted Uses; 22C.010.070 Permitted Uses – Development Conditions; 22G.010.150 Administrative Approvals Without Notice; 22G.010.250 Vesting; 22G.010.260 Minor Revisions to Approved Development Applications; 22G.010.270 Major Revisions to Approved Residential Development Applications; 22G.010.280 Revisions not Defined as Minor or Major; 22G.010.290 Supplemental Information; 22G.010.300 Oath of Accuracy; 22G.010.310 Limitations on Refiling of Applications; 22G.010.320 Code Compliance Review – Actions Subject to Review; 22G.010.330 Decisions and Appeals; 22G.010.340 Actions Subject to Review; 22G.010.350 Notice

Requirements and Comment Period; 22G.010.360 Decision or Public Hearing Required; 22G.010.370 Additional Requirements Prior to Hearing; 22G.010.380 Decision Regarding Proposal; 22G.010.390 Time Limitations; 22G.010.400 Purpose; 22G.010.410 Temporary Use Permit; 22G.010.420 Variance; 22G.010.430 Conditional Use Permit; 22G.010.440 Rezone Criteria; 22G.010.450 Rezone and Review Procedures; 22G.010.460 Home Occupation Permit; 22G.010.470 Continuing Jurisdiction; 22G.010.480 Cancellation of Decisions; 22G.010.490 Transfer of Ownership; 22g.010.500 Purpose; 22G.010.510 Authority and Application; 22G.010.520 Required Findings; 22G.010.530 Burden of Proof; 22G.010.540 Appeal Process – General Description; 22G.010.550 Appeal of Administrative Interpretations and Approvals; 22G.010.560 Judicial Appeal; 22G.030.020 General Fee Structure; 22G.090.170 Preliminary and Final Subdivision Approval – Terms; 22G.090.185 Revisions After Preliminary Subdivision Approval; Repealing 22G.090.280; Amending Section 22G.090.380 Preliminary and Final Short Subdivision Approval – Terms; and Creating New Sections 22G.090.385 Revisions After Preliminary Short Subdivision Approval; 22G.100.125 Revisions; 22G.120.390 Revision of the Official Site Plan; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date.

Planning Manager Holland explained that as a result of WCIA’s audit process last year staff is proposing several code amendments in order to be consistent with current state law.

Councilmember Seibert referred to Exhibit A under F where it speaks to the change to internal lot lines and asked if requirements such as lot width and not having multiple panhandle lots next to each other would still apply. Planning Manager Holland stated that they would.

14. Consider an **Ordinance** Related to Nonconforming Situations amending Marysville Municipal Code (MMC) Sections 22C.100.030(3) and MMC 22C.100.040(3); and Amending MMC Section 22A.010.160 General Administration, Related Tracking Amendments to the City’s Uniform Development Code; Providing for Severability and Effective Date.

Planning Manager Holland explained that this would make approval of certain nonconforming situations administrative reviews which would waive the current fees and just require a building permit and a site plan submittal and review.

15. Consider an **Ordinance** Related to Definitions and the Sign Code Amending Marysville Municipal Code (MMC) Sections 22A.020.140 “Monument Sign” Definition; 22C.160.170(10) Development Standards – Freestanding Signs; 22C.160.180(5) Development Standards – Electronic Message, Animated and Changeable Copy Signs; 22C.160.240(1)(B) Nonconforming Signs; and Amending MMC Section 22A.010.160 General Administration, Related to

Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

Planning Manager Holland reviewed the proposed sign code revisions which would clarify regulations for new signage.

16. Consider an **Ordinance** Related to the City's Animal Control Regulations; and Adding a New Section 10.04.335 Beekeeping to MMC Chapter 10.04 Animal Control.

Associate Planner Angela Gemmer stated that in response to concerns that were raised to the City Council staff did research on beekeeping provisions in other jurisdictions and invited comment from the local beekeeping organization at the Planning Commission. The proposed ordinance would prohibit hives on lots 5,000 feet and less and allow a certain number of hives for lots in increments greater than that. There would be an agricultural exemption to allow five hives per acre on sites that are four acres or larger. There would also be provisions for setbacks to make sure adjacent properties aren't adversely impacted by the bees and a provision to requeen the colony annually. There would be a requirement to register hives with the state, which is actually already state law.

Councilmember Toyer asked staff if they had touched base with the citizen who raised this issue initially to see if it addressed her concerns. Ms. Gemmer replied that some of her concerns related to minimum lot size, and she thought this would address this. She offered to touch base with her again to see what she thought of the proposal.

Councilmember Wright asked how this would affect the neighbor who was keeping the bees. Ms. Gemmer stated that it would require a decrease from three to two hives. She added that there is a provision that was strongly recommended by the beekeepers to allow a temporary increase in hives because sometimes the swarming problem is due to overpopulation. Additional hives for a brief period can help get the bees under control.

Councilmember Muller asked how requeening would be enforced. Ms. Gemmer replied that it would primarily be complaint-driven.

17. Consider an **Ordinance** Amending Marysville Municipal Code (MMC) Sections 10.04.460 Regarding Commercial Kennels and Pet Shops – General Conditions; MMC 22A.020.120 by Amending the Definition for “Kennel, Commercial”; MMC 22A.020.170 by Adding a Definition for “Pet Daycare”; MMC 22C.020.060 Regarding Table of Permitted Uses; MMC 22C.020.070 Regarding Permitted Uses – Development Conditions; and Amending MMC 22A.010.160 Regarding General Administration, Related to Tracking Amendments to the City's Unified Development Code.

Ms. Gemmer stated that recently there have been inquiries about a dog kennel going in the former Sears building, but due to the current 5-acre minimum lot size in the code it would not be allowed. This ordinance would eliminate the 5-acre minimum lot size

requirement for dog kennels, establish a specific permitted uses classification for pet daycares, incorporate some health and sanitation standards and provisions for wellbeing of animals, establish minimum setbacks from neighboring residential uses, and establish mitigation measures if there are noise complaints.

18. Consider an **Ordinance** Amending MMC 22D.020.090(5); MMC 22D.020.100 Regarding Parks, Recreation, Open Space and Trail Impact Fees and Mitigation; MMC 22D.040.050; MMC 22d.040.60 Regarding School Impact Fees and Mitigation; MMC 22D.030.070 Regarding Traffic Impact Fees and Mitigation; MMC 22A.010.160 Regarding General Administration, Related to Tracking Amendments to the City's Unified Development Code; Providing for Severability and Effective Date.

Ms. Gemmer stated that in reviewing the Comprehensive Plan and Development Regulations, staff discovered that the term for which traffic, school, and park impact fees may be expended has increased from six to ten years. This Ordinance would update those terms to be in alignment with state law.

19. Consider an **Ordinance** Related to the State Environmental Policy Act (SEPA) Amending Marysville Municipal Code (MMC) Section 22E.030.090; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

Planning Manager Holland explained that the Phase 2 SEPA regulations meant that some sections need to be amended to align the code with state law.

20. Consider an **Ordinance** Related to Wireless Communication Facilities (WCF) Amending Marysville Municipal Code (MMC) Section 22C.250.030 Adding Subsection (7) Related to WCF SEPA Exemptions; and Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

Planning Manager Holland stated that this would amend the Wireless Communication Facilities section of Title 22 in order to state that they are exempt from SEPA under certain circumstances. It references state law and incorporates it into city code.

21. Consider an **Ordinance** Related to Critical Areas Management – Article IV 'Geologic Hazards' Amending Marysville Municipal Code (MMC) Sections 22E.010.280; 22E.010.300(2); 22E.010.310(E) And Amending MMC Section 22A.010.160 General Administration, Related to Tracking Amendments to the City's Uniform Development Code; Providing for Severability and Effective Date.

Planning Manager Holland explained that as a result of the Oso landslide staff reviewed the Geologic Hazards section of the code and LIDAR mapping and is recommending an amendment to the code regarding setback requirements.

27. Consider Professional Services Agreement between City of Marysville and Summit Law Group.

CAO Hirashima reviewed this item.

Legal

22. Agreement for Legal Services between City of Marysville and Weed, Graafstra and Benson, Inc. P.S.

CAO Hirashima explained that there are still a number of projects in process at Weed, Graafstra, and Benson. This would provide for completion of those.

Mayor's Business

23. Reappointment to Library Board: B.J. Guillot.

Motion made by Councilmember Norton, seconded by Councilmember Toyer, to affirm the reappointment of B.J. Guillot to the Library Board. **Motion** passed unanimously (7-0).

24. Reappointment to LEOFF I Disability Board: Donna Wright and Jeff Vaughan.

Motion made by Councilmember Muller, seconded by Councilmember Norton, to affirm the reappointment Donna Wright and Jeff Vaughan to the LEOFF I Disability Board. **Motion** passed unanimously (7-0).

25. Reappointment to the Parks and Recreation Board: Mike Leighan.

Motion made by Councilmember Wright, seconded by Councilmember Vaughan, to affirm the reappointment of Mike Leighan to the Parks and Recreation Board. **Motion** passed unanimously (7-0).

26. Annual Certification of Board of Health Representative: Donna Wright.

Motion made by Councilmember Muller, seconded by Councilmember Seibert, to affirm the reappointment of Donna Wright to the Board of Health. **Motion** passed unanimously (7-0).

28. SERS Appointment: Mayor Nehring as Primary Representative and Chief Smith as Alternate.

Motion made by Councilmember Vaughan, seconded by Councilmember Seibert, to approve the appointment of Mayor Nehring as Primary Representative and Chief Smith as Alternate to the SERS Board. **Motion** passed unanimously (7-0).

29. SNOPAC Appointment

Motion made by Councilmember Norton, seconded by Councilmember Wright, to approve Chief Smith as Primary and Mayor Nehring as Secondary representative to the SNOPAC Board. **Motion** passed unanimously (7-0).

30. SWAC Appointment: Jeff Seibert as Primary and Jeff Vaughan as Alternate

Motion made by Councilmember Wright, seconded by Councilmember Toyer, to approve Jeff Seibert as the Primary and Jeff Vaughan as the Alternate appointments to the SWAC. **Motion** passed unanimously (7-0).

Mayor's Other Business:

- Happy Belated Birthday to Councilmember Toyer and Happy Birthday to Councilmember Stevens.
- Welcome to new City Attorney John Walker.
- Legislative Action Days in Olympia will be held on February 18 and 19. Councilmembers should Leah know if they are interested in going.
- NLC will be held in Washington DC in March. Leah is still waiting on flight preferences.
- He and other staff members will be meeting with a number of legislators tomorrow.
- He noted that Peter got a rave in the Rants and Raves section of the *Marysville Globe* for handing out holiday ornaments to the City Council.

Staff Business

Sandy Langdon welcomed everyone back.

Chris Holland wished everyone a Happy New Year.

Jim Ballew:

- The Tour of Lights served 2000 visitors and raised \$8000 in donations in 7 nights. He commended the volunteers from Getchell High School.
- Over the break the City received one RFP submittal for the golf course. He is hoping to review that submittal during the month of January with the help of a review committee. Councilmembers Rob Toyer, Steve Muller, and Kamille Norton expressed interest in serving on that committee.
- He is hoping to be able to give an update on the Baxter building next week.

Kevin Nielsen:

- There were a lot of storms over the break, but no calls on house or business flooding. There was some water over the roadways at 136th, 152nd, 25th, and 67th. Staff is looking to see what can be done for the future to prevent that. There was discussion about the impact of the culvert on the flooding.

- At the Public Works Committee this Friday they will be going over the GE filtration system. They will also be reviewing the 2015 Work Plan.

John Walker stated the need for an Executive Session to discuss two items regarding acquisition of property and one item involving review of employee performance. He estimated the three items would take 20 minutes with action being taken on the two real estate items.

Gloria Hirashima:

- A response went out to Ms. Possey regarding the solid waste situation.
- An L&I Inspection last year resulted in a number of minor violations. One issue involved a violation related to moving operations with the Vactor which would have had huge financial and safety impacts. Staff felt this was an unfair violation and an incorrect interpretation of the code so they appealed the violation. She was told that Public Works employees did an outstanding job presenting the case in Olympia. As a result the City received the decision that the original inspection decision was vacated. She commended Director Nielsen and his staff for their work.
- There will be a Court of Appeals hearing next week on January 13 regarding Cedar Grove.
- There will be a hearing in Federal Court this week on the Black case involving our police department.
- There is a new program for online police reporting that was just implemented a few weeks ago. There will be a presentation at the next meeting by Commander Goldman and Chief Smith.
- The Regional Fire Authority discussion is ongoing. Staff will be setting up a schedule within the next week.

Call on Councilmembers

Michael Stevens wished everyone Happy New Year and welcomed John Walker. He said the Tour of Lights was on the list of top places to see Christmas Lights in Snohomish County.

Rob Toyer had no comments.

Jeff Seibert welcomed everyone back and welcomed new City Attorney John Walker. He informed Director Nielsen that a no parking sign is down on 80th near 47th.

Donna Wright wished everyone Happy New Year and welcomed John Walker.

Kamille Norton welcomed everyone back. She appreciated the Mayor's and Chief Smith's comments in the City Scene. Welcome to John Walker.

Steve Muller wished everyone Happy New Year and welcomed John Walker.

Jeff Vaughan said he spent time with former Mayor Dennis Kendall at the rehabilitation center where he is chipper and happy.

Council recessed into Executive Session at 8:00 p.m. for seven minutes before reconvening into Executive Session to discuss two real estate items and one personnel matter for 20 minutes with action expected on the real estate items.

Executive Session extended for five minutes until 8:32 p.m.

Executive Session

- A. Litigation
- B. Personnel – one item, RCW 42.30.110 (1) (g)
- C. Real Estate – two items, RCW 42.30.110(1) (b)

Executive Session ended and public meeting reconvened at 8:32 p.m.

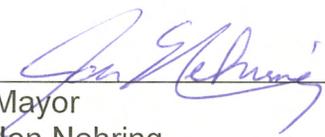
Motion made by Councilmember Muller, seconded by Seibert, to authorize the Mayor to sign purchase and sale agreement with Michael B. Crane regarding property at 5928 Sunnyside Road. **Motion** passed unanimously (7-0).

Motion made by Councilmember Seibert, seconded by Muller, to authorize the Mayor to sign the purchase and sale agreement with Glenn and Marie Kieso regarding property located at 1408 1st Street. **Motion** passed unanimously (7-0).

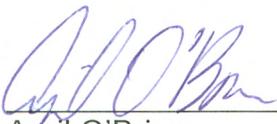
Adjournment

Seeing no further business Mayor Nehring adjourned the meeting at 8:32 p.m.

Approved this 9 day of February, 2015.



Mayor
Jon Nehring



April O'Brien
Deputy City Clerk