

City Council



1049 State Avenue  
Marysville, WA 98270

**Regular Meeting  
May 9, 2022**

**Call to Order / Invocation / Pledge of Allegiance**

Mayor Nehring called the meeting to order at 7:00 p.m. Chaplain Dan Hazen gave the invocation. Mayor Nehring led the Pledge of Allegiance.

**Roll Call**

**Present:**

Mayor: Jon Nehring

Council: Councilmember Jeff Vaughan, Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton

Staff: Parks & Recreation Director Tara Mizell, Public Works Director Jeff Laycock, Community Development Director Haylie Miller, Fire Chief Martin McFalls, Finance Director Sandy Langdon, Police Chief Erik Scairpon, Systems Analyst Mike Davis, Asst. Police Chief Jim Lawless, Communications Manager Connie Mennie, IT Manager Worth Norton, City Attorney Jon Walker

**Approval of the Agenda**

**Motion** to approve the agenda moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

**Presentations**

- A. Proclamation: Declaring May 15-21, 2022, National Public Works Week in Marysville
- B. Proclamation: Declaring May 15-21, 2022, Emergency Medical Services Week in Marysville

- C. Proclamation: Declaring May 15-21, 2022, as Police Week in the City of Marysville and May 15, 2022 as Law Enforcement Memorial Day

Mayor Nehring read the proclamations into the record.

### **Audience Participation**

None

### **Consent**

1. Approval of the April 13, 2022 Claims in the Amount of \$1,743,758.57 Paid by EFT Transactions and Check Numbers 154760 through 154913 with Check Number 154336 Voided
2. Approval of the April 20, 2022 Claims in the Amount of \$697,401.67 Paid by EFT Transactions and Check Numbers 154914 through 155022
4. Consider Approving the Water and Wastewater Contractor Agreement with Snohomish County Human Services Department

**Motion** to approve Consent Agenda items 1, 2, and 4 moved by Councilmember James seconded by Councilmember King.

**AYES: ALL**

### **Review Bids**

3. Consider Approving the Contract Award for 2022 Citywide Road Re-Striping

Director Laycock reviewed this item. Public Works received two bids. The low bidder was Specialized Pavement Markings, LLC.

**Motion** to authorize the Mayor to sign and execute the Contract Award for 2022 Citywide Road Re-Striping with Specialized Pavement Marking, LLC moved by Councilmember Richards seconded by Councilmember Muller.

**AYES: ALL**

### **Public Hearings**

### **New Business**

5. Consider Approving the Planning Commission's Recommendation related to the Community Business Zone Land Use Regulations

Director Miller reviewed this item which was discussed at the last Council work session. She summarized that staff has noticed that in the CB (Community Business) zone in the City they have received inquiries from applicants who want to do multifamily

developments, so staff brought this issue to Council for consideration. After review of the matter, the Planning Commission recommended alternative 1. At the last Council work session, staff had been asked to look at rezoning. She reviewed some options related to this. She referred to a summary staff had provided for the Council packet and solicited direction from the Council.

Councilmember Muller commented on the value of Community Business. He spoke to the pressure the City is receiving from developers to change the CB zone to something other than what it is and indicated he was not interested in changing it. He acknowledged that it can take some time for commercial development to happen, but encouraged everyone to be patient and hold true to the design of the code.

Council President Norton stated that she has concerns about the addition of multifamily development in these Community Business areas. She feels like it would be a strain on the roads and the police department. She prefers to remove multifamily from that zone.

Councilmember Richards agreed with keeping the code as it is.

Councilmember James asked Councilmember Muller what he likes about the Community Business zone. Councilmember Muller spoke to the commercial quandary we are in with online shopping. He thinks the residential component helps make the retail development more valid. From a commercial perspective, these are big commercial corridors with housing on them. They tend to be nicer complexes and well used. The combination of retail and commercial makes a great package. He doesn't believe someone is going to come in and be able to build multifamily without having some sort of anchor tenant.

Councilmember James pointed out that it was the original intent of Council that this be zoned Commercial Business. He believes they should stick to their original intention and keep the code as it is.

Council President Norton asked why councilmembers are supporting keeping multifamily if they don't want it there. Councilmember Muller clarified his interest in focusing on commercial but also having multifamily. If they do away with multifamily they do harm to the commercial element. Council President Norton stated she still was in favor of removing it from this zone. She expressed concern about the impacts to roads and police if there is multifamily development in that area.

Councilmember Richards spoke to the value of combining businesses and multifamily in that area.

Councilmember Stevens commented that the potential for redevelopment in some areas is a good reason to keep the Community Business zoning. He spoke in support of maintaining the current zoning.

There was some discussion about the types and sizes of developments that could happen in those zones.

Councilmember Vaughan spoke in support of removing multifamily development. He consistently hears concerns from citizens about traffic and public safety. Adding more families in that area is not going to help those issues. He does not believe the community wants that either.

Councilmember James asked about the sufficiency of infrastructure in that area. Director Miller replied that the plans didn't anticipate multifamily so this wasn't really looked into for that zone.

Council President Norton asked about removing multifamily from the CB zone and looking at a possible rezone in the future. She pointed out that there isn't really a limit to how many units can be added there. Director Miller reviewed possible actions that the Council could take. She explained the Council could remove multifamily from the entire CB zone and look at the assignment of density issue closer with the Comprehensive Plan update. She noted she had some draft interim regulations which would put a pause on development in that area, but the Council would need to hold a hearing on the interim regulations in a timely manner. She distributed a copy of the draft interim regulations to Council. Director Miller and City Attorney Walker reviewed the purpose and the requirements of the interim code.

Councilmember Richards asked when this would go into effect. Staff replied it would go into effect immediately; they would just have to hold a hearing within 60 days.

Council President Norton thought this would be a good option to stop development and give Council some time to look at the issue.

Councilmember Stevens was not in support of the interim regulations. He thought that projects should be allowed to move forward if they are adhering to the current code. He clarified that he would be supportive of removing multifamily from the Twin lakes area but not jeopardizing any current applications.

**Motion** to adopt Ordinance 3216 related to the Community Business Zone Land Use Regulations moved by Council President Norton seconded by Councilmember Vaughan.

**VOTE: Motion failed 3 - 4**

AYES: Councilmember Vaughan, Councilmember Muller, Council President Norton

NOES: Councilmember James, Councilmember King, Councilmember Stevens, Councilmember Richards

**Motion** to remove Multifamily from the CB Zone moved by Council President Norton seconded by Councilmember Vaughan.

**VOTE: Motion failed 2 - 5**

AYES: Councilmember Vaughan, Council President Norton

NOES: Councilmember James, Councilmember King, Councilmember Stevens, Councilmember Richards, Councilmember Muller

**Motion** to approve alternative 3 and direct staff to look at having a maximum density in that area moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

Discussion:

Director Miller discussed ways that density could be limited in the area and solicited direction from Council. Council was interested in a maximum density for residential in that zone. Director Miller indicated she would run numbers on different maximum density options for Council to consider.

Councilmember Richards asked police about their thoughts on densities for the CB zone. Chief Scairpon summarized that multifamily brings impact, but maybe not as much as everyone thinks. The Police Department works with Community Development to bring a robust plan to support development as outlined in the Comprehensive Plan. The main challenges police face are not related to development, but are legislative in nature.

Councilmember Stevens pointed out that different kinds of multifamily development have different impacts on police. Multifamily over retail has "eyes on the street" which has a protective sort of effect. He requested more information from police about crime numbers associated with densities to see if there is a correlation. Asst. Chief Lawless discussed crime numbers related to density and also unique circumstances related to COVID and more people being at home. Chief Scairpon indicated they would email the data discussed to the Council.

There was consensus to advertise for a hearing on May 23.

## **Legal**

### **Mayor's Business**

Mayor Nehring thanked Peter Condyles and the Historical Society for hosting them before the meeting.

### **Staff Business**

Chief Scairpon gave an update on the deployment of Taser 7 program. Police are looking forward to the opening of the new jail facility which will be operational next week.

City Attorney Walker stated the need for an Executive Session for ten minutes to address two items - one regarding purchase of real estate with action expected and one regarding pending litigation with action expected.

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

Councilmember Vaughan had no comments.

Councilmember James had no comments.

Councilmember King:

- The Human Services Grant Committee met and finalized recipients.
- Last Saturday the Strawberry Festival Float travelled to the Apple Blossom festival.

Councilmember Stevens thanked Community Development and Police for helping with the conversation tonight.

Councilmember Richards thanked the City for the three important proclamations tonight. He asked Director Laycock about paving of the bridge on State Avenue at 100th. Director Laycock stated he would bring back an update.

Councilmember Muller thanked Director Miller for all her hard work. He also thanked Chief Scairpon and Assistant Chief Lawless for bringing the data on crime. He reported the loss of Harv Jubie yesterday who will be sorely missed.

Council President Norton had no further comments.

Council recessed at 8:35 p.m. and reconvened in Executive Session at 8:42 p.m.

## **Adjournment/Recess**

### **Executive Session**

- A. Litigation – one item regarding pending litigation
- B. Personnel
- C. Real Estate – one item regarding the purchase of real estate

### **Reconvene**

The regular meeting was called back to order at 8:52 p.m.

**Motion** to authorize the Mayor to sign and execute a settlement with Elizabeth Johnson in the amount of \$2,000 in a form approved by the City Attorney moved by Councilmember Richards seconded by Councilmember Muller.

**AYES: ALL**

**Motion** to authorize the Mayor to sign and execute the settlement agreement with Elmer and Valencia Mickelson in the amount of \$89,900 moved by Councilmember Richards seconded by Councilmember James.

**AYES: ALL**

**Adjournment**

**Motion** to adjourn moved by Councilmember James seconded by Councilmember Muller.

**AYES: ALL**

The meeting adjourned at 8:54 p.m.

Approved this 16<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
Mayor  
Jon Nehring

