

City Council



1049 State Avenue
Marysville, WA 98270

**Regular Meeting
May 23, 2022**

Call to Order / Invocation / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Alex Ghelli from Allen Creek Church gave the invocation. Mayor Nehring led the Pledge of Allegiance.

Roll Call

Present:

Mayor: Jon Nehring

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

Staff: Finance Director Sandy Langdon, Parks & Recreation Director Tara Mizell, Deputy City Attorney Burton Eggertsen, Chief Administrative Officer (CAO) Gloria Hirashima, Systems Analyst Mike Davis, Public Works Director Jeff Laycock, Courts Administrator Suzanne Elsner, Community Development Director Haylie Miller, Police Chief Erik Scairpon

Approval of the Agenda

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

AYES: ALL

Presentations

Audience Participation

Kirk Pearson, 105 Pearson Lane, Monroe, WA 98272, with Volunteers of America, invited Councilmembers and staff to a breakfast on June 8 in Everett to honor elected officials.

Chris Davis, 4729 122nd Place NE, Marysville, encouraged the Council to attend the student-led rally on June 6 regarding concerns about Safe Space clubs.

Representative Emily Wicks, 1730 Baker Avenue, Everett, expressed how important it is that the Council weigh in on the Safe Space club issue with the School District.

Amy Sheldon, 9815 Hawkins Avenue, Granite Falls, Washington, invited people to participate in the Leah's Dream Foundation golf tournament coming up to benefit kids with disabilities and special needs in the Marysville School District.

Approval of Minutes

1. Approval of the April 11, 2022 Council Meeting Minutes

Motion to approve the April 11, 2022 Council Meeting Minutes as presented moved by Councilmember King seconded by Councilmember Richards.

VOTE: Motion carried 6 – 0 with Council President Norton abstaining

2. Approval of the April 25, 2022 Council Meeting Minutes

Motion to approve the April 25, 2022 Council Meeting Minutes as presented moved by Council President Norton seconded by Councilmember King.

VOTE: Motion carried 6 – 0 with Councilmember Vaughan abstaining

Consent

3. Approval of the April 25, 2022 Payroll in the Amount of \$1,580,285.94 Paid by EFT Transactions and Check Numbers 33915 through 33929
4. Approval of the April 27, 2022 Claims in the Amount of \$648,190.87 Paid by EFT Transactions and Check Numbers 155023 through 155155 with Check Number 154688 Voided
5. Approval of the May 4, 2022 Claims in the Amount of \$1,368,082.48 Paid by EFT Transactions and Check Numbers 155156 through 155317 with Check Numbers 140120, 145688, 146139, 146755, 146934, 150326, 151830 and 152529 Voided
6. Approval of the May 10, 2022 Payroll in the Amount of \$1,657,827.67 Paid by EFT Transactions and Check Numbers 33930 through 33951
7. Approval of the May 11, 2022 Claims in the Amount of \$1,130,155.84 Paid by EFT Transactions and Check Numbers 155318 through 155487 with Check Numbers 146623, 147603, 149151, 150123 and 155401 Voided

Motion to approve Consent Agenda items 3-7 moved by Councilmember Richards seconded by Council President Norton.

AYES: ALL

Review Bids

Public Hearings

8. Consider Approving Planning Commission's Recommendation and Other Alternatives Related to Base and Maximum Multi-Family Densities in the Community Business Zone

Director Miller introduced the public hearing to discuss a potential amendment to the Community Business (CB) zone. This has been discussed by Council previously. She reviewed the reason for considering this and Council's recommendation to leave the code as it is. The City Council had directed staff to hold a public hearing to discuss alternative 3 to reduce the density in the area.

The public hearing was opened at 7:15 p.m.

Public Comments:

Brian Bergstrom, Twin Lakes Square LLC, 17019 246th Avenue, Woodinville, discussed his group's interest in building a mixed use product per the current CB zoning. It is important for them to be able to include the residential component in order to make the product feasible. They would like to continue working toward a development plan using the existing zoning with the existing density.

Joshua Freed, 12900 NE 180th, Bothell, expressed interest in building residential/hotel over commercial in the Community Business zone. He distributed documents showing their plans with 350-360 residential units. He urged the City to leave the mixed use zoning in the CB zone. The design meets the parking requirements. All of the ground floor would be commercial. He urged the Council to go with the recommendation of the Planning Commission.

Seeing no further comments the public comments portion of the public hearing was closed at 7:27 p.m.

Councilmember Richards recommended having a cap on the density in the CB zone. Councilmember Stevens discussed the financial limitations within the density.

Councilmember Muller referred to the documents he sent to Council earlier and discussed potential requirements to get to higher densities. He stressed that modern commercial development needs a residential component but encouraged the Council to restrict the base density (8-12 units per acre) in order to incentivize people to create a destination site.

Councilmember Stevens stated his concern is that the retail be designed in a way that is viable. He asked about design standards for the commercial/retail spaces in order to

make the space more successful. He was in favor of allowing the applicant's project to stand from a density standpoint.

Council President Norton clarified that they are not talking about a specific project; they are talking about a zone. She has concerns about a large amount of multifamily coming into this area. She would be in support of putting a cap on density to ensure the intent of the zone is preserved and that they don't place a burden on the area with a large number of multifamily units.

Councilmember Muller asked about doing an interim ordinance to limit the density. He pointed out that the intent of the zone is commercial. What they are seeing because there is not a cap is taking the density to a higher level than they intended. Deputy City Attorney Eggertsen indicated he could put an emergency ordinance together which would have the regulations take effect immediately. Councilmember Stevens argued that the more residential they allow makes the commercial more viable. There was consensus to table this item until later in the agenda to allow the Deputy City Attorney time to draft an emergency ordinance which would have the 12-unit maximum density take effect immediately.

New Business

9. Consider Approving the Local Agency Federal Aid Project Prospectus and Local Agency Agreement with WSDOT for the 88th St NE Corridor Improvement Project

Director Laycock reviewed this item and noted that WSDOT increased their allocation for the grant.

Motion to approve the Local Agency Federal Aid Project Prospectus and Local Agency Agreement with WSDOT for the 88th St NE Corridor Improvement Project moved by Council President Norton seconded by Councilmember King.

AYES: ALL

10. Consider Approving the Arts and Culture Grant for the Children's Theatre Play Classes with the City of Marysville Parks, Culture, and Recreation Department in the Amount of \$2,000.00 with Snohomish County Conservation and Natural Resources/Cultural Resources Division

Director Mizell reviewed this item.

Motion to authorize the Mayor to sign the interlocal agreement for the Arts and Culture Grant for the Children's Theatre Play Classes with the City of Marysville Parks, Culture, and Recreation Department in the Amount of \$2,000.00 with Snohomish County Conservation and Natural Resources/Cultural Resources Division moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

11. Consider Approving the Marysville Human Services Grant Program in the Amount of \$200,000.00

Director Mizell reviewed this item recommending allocation of \$200,000 for this project. Councilmember King thanked Director Mizell and Dave Hall for their work on this.

Motion to approve the Marysville Human Services Grant Program in the Amount of \$200,000.00 moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

12. Consider Approving the Project Acceptance for 2021 Citywide Road Re-Striping

Director Laycock reviewed this item.

Motion to authorize the Mayor to approve the Project Acceptance for 2021 Citywide Road Re-Striping moved by Council President Norton seconded by Councilmember Stevens.

AYES: ALL

13. Consider Approving the Interpreter Reimbursement Program – Administrative Office of the Courts (AOC)

Court Administrator Elsner reviewed this item.

Motion to authorize the Mayor to sign the contract for the Interpreter Reimbursement Program – Administrative Office of the Courts (AOC) moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

Legal

Mayor's Business

Mayor Nehring noted that Memorial Day ceremony is back on at the cemetery next Monday at 11 a.m.

Staff Business

Director Laycock:

- There was great attendance at Touch-a-Truck on Saturday.
- They are hoping to pave State Avenue on Wednesday depending on the weather.
- Public Works committee has a scheduling conflict next Friday and will need to reschedule.
- He reported that the new Transportation and Parks Maintenance Manager and the new Solid Waste Supervisor started recently.
- He gave an update on the bridge project and the current timeline.

Director Norton commented that improvements to the online portion of the meeting would be made before the next meeting.

Chief Scairpon reported that the jail move-in has gone smoothly. The Police Department is expected to move the weekend of June 3-6.

Call on Councilmembers and Committee Reports

Councilmember Vaughan had no comments.

Councilmember James had no comments.

Councilmember King:

- He reported that the Council met with members of the school board tonight for some frank discussion about the last levy failure.
- Last week he talked with crews at Ebey Park who were replacing the sprinkler system and working on new vegetation.
- Last Thursday he attended the Mental Health Awareness Program graduation.
- He attended the Strawberry Festival parade last weekend at Port Townsend. The prior weekend they were over at Sequim.

Councilmember Stevens had no comments.

Councilmember Richards:

- He reported on the May 11 Parks meeting where they received updates regarding the bid for remodeling the community center; reevaluation of Jennings Nature Park; and issues at Mother Nature's Window.
- The May 19 Snohomish County Cities Dinner was a good event.
- Touch-a-Truck was a great event.
- He attended a Scouts Eagle presentation last Saturday. His son also finished a great Eagle Scout park bench project at Kayak Point.

Councilmember Muller:

- Marysville Rotary Club had a trash pickup over the weekend and collected 10 bags of garbage.
- Touch-a-Truck was a great event and very busy.
- He is glad to see the strawberries going up on the streets.
- Leah's Dream golf tournament for special needs kids is a great event.
- He asked about having a discussion of the Federal Way ordinance regarding fentanyl zones at the June workshop.

Council President Norton gave an update on the Council's concerns about policing in the state. She thinks the topic at one of the upcoming Snohomish County Cities meetings will be what they can do about this topic. She urged the Council to keep the conversation and momentum going.

8. (Continued) An Ordinance Relating to Amendments to the Marysville Municipal Code Relating to the Maximum Density: Dwelling Unit / Acre in the Community Business Zone, Including Amendments to Marysville Municipal Code Section 22C.020.080

Deputy City Attorney Eggertsen distributed a draft emergency ordinance and explained the emergency ordinance would establish a 12 unit per acre limit. He noted that the Council would need to hold a public hearing within 60 days, but the emergency ordinance will last for six months.

Councilmember Richards pointed out that the draft ordinance said it would be effective in five days. Deputy City Attorney Eggertsen indicated they could strike that in the motion so it would be effective immediately.

Councilmember Stevens noted that for the Lakewood Master Plan there are quite a few good design requirements. He is confident that the proposal mentioned tonight would eventually get to a good design result as they proceed through the process. He noted that the General Commercial zone, which is very similar to this zone, also has an unlimited maximum density. He cautioned the Council against unnecessary limitations on the CB zone. He reiterated that he would not be supporting the ordinance.

Motion to adopt Ordinance No. 3216 striking the phrase related to effective date five days after publication so it is effective immediately moved by Councilmember Muller seconded by Council President Norton.

VOTE: Motion carried 6 - 1

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

NOES: Councilmember Stevens

Staff Business

Deputy City Attorney Eggertsen stated the need for a 10-minute Executive Session with no action requested to address one item regarding pending litigation.

Adjournment/Recess

The meeting recessed at 8:22 and reconvened in Executive Session at 8:27 p.m.

Executive Session

- A. Litigation - one item
- B. Personnel
- C. Real Estate

Executive Session convened at 8:27 for ten minutes to address one item regarding pending litigation with no action.


Reconvene

The regular meeting reconvened at 8:37 p.m. and immediately adjourned.

Adjournment

The meeting adjourned at 8:37 p.m.

Approved this 16th day of June, 2022.



Mayor
Jon Nehring