

**City Council**



**1049 State Avenue  
Marysville, WA 98270**

**Regular Meeting  
November 28, 2022**

**Call to Order**

Mayor Nehring called the meeting to order at 7:00 p.m.

**Invocation**

The invocation was given by Chaplain Dan Hazen.

**Pledge of Allegiance**

Mayor Nehring led the Pledge of Allegiance.

**Roll Call**

**Present:**

Mayor: Jon Nehring

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

Staff: CAO Gloria Hirashima, Finance Director Sandy Langdon (via Zoom), City Attorney Jon Walker, Parks Director Tara Mizell, CD Director Haylie Miller, Police Chief Erik Scairpon, Systems and Database Analyst Will Kaiser, Community Information Officer (CIO) Connie Mennie, Finance Director Crystil Wooldridge, Senior Planner Angela Gemmer, Human Resources Director Megan Hodgson, Public Works Director Jeff Laycock, Police Dept. Chaplain Dan Hazen, Judge Fred Gillings, Assistant Public Works Director Max Phan, Asst. Police Chief Jim Lawless, IT Director Stephen Doherty, City Clerk/Finance Planning Manager John Nield, Recording Secretary Laurie Hugdahl

**Motion** to excuse the absence of Councilmember Stevens moved by Council President Norton seconded by Councilmember Muller.

**AYES: ALL**

## **Presentations**

A. Sno-Isle Libraries

### **City Council Presentation - Marysville\_11.28.2022.pptx**

Lois Langer Thompson, Executive Director, Sno-Isle Libraries made a presentation regarding Sno-Isle Libraries' impact, budget, and community connections. Library Manager Eric Spencer discussed updated hours, community events, and public meeting room availability.

Councilmember King thanked staff for the library which is a real community treasure. On behalf of the food bank, he also expressed appreciation for the barrels where they get a lot of donations.

Mayor Nehring noted he often uses the electronic materials there and really appreciates it.

## **Approval of the Agenda**

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

**AYES: ALL**

## **Audience Participation**

None

## **Approval of Minutes**

1. October 10, 2022 City Council Meeting Minutes

### **CC 10102022.docx**

**Motion** to approve the October 10, 2022 City Council Meeting Minutes moved by Council President Norton seconded by Councilmember Richards.

**AYES: ALL**

2. October 24, 2022 City Council Special Meeting Minutes

### **CC 10242022 Special Mtg.docx**

**Motion** to approve the October 24, 2022 City Council Special Meeting Minutes moved by Councilmember James seconded by Councilmember Condyles.

**AYES: ALL**

3. [October 24, 2022 City Council Meeting Minutes](#)

**CC 10242022.docx**

**Motion** to approve the October 24, 2022 City Council Meeting Minutes moved by Council President Norton seconded by Councilmember Richards.

**AYES: ALL**

4. [November 7, 2022 City Council Work Session Minutes](#)

**WS 11072022.docx**

**Motion** to approve the November 7, 2022 City Council Work Session Minutes moved by Councilmember Richards seconded by Council President Norton.

**AYES: ALL**

5. [November 14, 2022 City Council Meeting Minutes](#)

**CC 11142022.docx**

**Motion** to approve the November 14, 2022 City Council Meeting Minutes moved by Councilmember Richards seconded by Councilmember King.

**AYES: ALL**

### **Consent**

6. [October 25, 2022 Payroll in the Amount of \\$1,556,912.71 Paid by EFT Transactions and Check Numbers 34180 through 34192](#)

7. [November 4, 2022 Claims in the Amount of \\$12,022.38 Paid by EFT Transactions and Check Number 158904 and 158905 with Check Number 158904 Voided](#)

**110422.rtf**

8. [November 9, 2022 Claims in the Amount of \\$3,444,227.86 Paid by EFT Transactions and Check Numbers 158906 through 159063 with Check Number 157024 Voided](#)

**110922.rtf**

9. [November 10, 2022 Payroll in the Amount of \\$1,629,614.79 Paid by EFT Transactions and Check Numbers 34193 through 34208](#)



10. November 16, 2022 Claims in the Amount of \$590,378.56 Paid by EFT Transactions and Check Numbers 159064 through 159204

**111622.rtf**

**Motion** to approve the Consent Agenda in its entirety moved by Council President Norton seconded by Councilmember James.

**AYES: ALL**

## **Review Bids**

## **Public Hearings**

11. Ordinance to Adopt the 2023/2024 Biennial Budget

**2023 2024Budget Ord.doc**

Finance Director Wooldridge reported on uncollected debts as requested at the last meeting. She also noted that Finance Director Langdon would be attending remotely tonight.

The second public hearing was opened at 7:22 p.m.

Scott Allen, 3912 Sunnyside Blvd, Marysville, asked about the reason for the increase in utility rates. Director Wooldridge reviewed how rate increases are factored. She noted that there is a 2% increase annually to try to avoid large increase in rates every 4-5 years. This is an industry standard and considered best practice to keep up with inflation.

Seeing no further comments the hearing was closed at 7:25 p.m.

Mayor Nehring thanked the finance staff, directors and Council for all the work on the budget.

**Motion** to adopt Ordinance No. 3239 moved by Councilmember King seconded by Council President Norton.

**AYES: ALL**

12. White Right-of-Way Vacation (PA22034) - Ordinance vacating the northerly 10 feet of that 40 foot portion of right-of-way per the plat of Kanikeberg Homesites

Director Miller introduced this item related to vacation of White right-of-way. Staff is recommending approval.

The public hearing was opened at 7:29 p.m. and comments were solicited. There were none. The hearing was closed at 7:29 p.m.



**1 White ROW Vacation Ordinance.pdf**

**2 Vacation Petition-White ROW Vacation-PA22034.pdf**

**3 Chapter 12.32 VACATION OF STREETS AND ALLEYS.pdf**

**4 AFN 1111391.pdf**

**5 White ROW Vacation Resolution.pdf**

Councilmember Richards asked about the property across the street. Director Miller noted if the other neighbor had a similar situation staff would also consider that.

**Motion** to approve Ordinance No 3240 to vacate the unutilized portion of Right-of-Way that was dedicated by the plat recorded under AFN 1111391 moved by Council President Norton seconded by Councilmember Richards.

**AYES: ALL**

### **New Business**

13. Supplemental Agreement to Little League Lease Agreement

**Little League- 2023 Supplemental Lease Agreement.pdf**

**Little League Lease - Cedar Field.pdf**

Director Mizell explained they were asking for renewal of the lease for Marysville Little League.

Council President Norton asked if there was anything different in this agreement. Director Mizell replied that there was not.

Councilmember Muller asked if Little League is responsible for any maintenance. Director Mizell replied that they do some, but not as much as was required in the past.

**Motion** to authorize the Mayor to sign and execute the agreement with Marysville Little League for extension of the current lease moved by Councilmember King seconded by Council President Norton.

**AYES: ALL**

14. Ordinance regarding Josephine Caring Community Rezone

**Ord. with exhibits - Josephine Caring Community Rezone**

**Staff Recommendation Josephine Caring Community**

Director Miller reviewed the land use application for Josephine Caring Community rezone. This went to the Hearing Examiner for consideration in September for a public hearing. There was one member of the public who expressed concern about losing more commercial zones in that area. The Hearing Examiner recommended approval, adopting the findings of fact and 15 conditions.

Councilmember Muller asked about a condition related to children under the age of 18. He also asked about kids with disabilities. Senior Planner Gemmer explained that a senior project has age restrictions which are related to school impact fees. Councilmember Muller thought the school age was 21 in Washington State. Senior Planner Gemmer explained the Hearing Examiner put that condition in there. Councilmember King confirmed that the State is required to educate a child until the age of 21. Director Miller suggested looking into this further and bringing it back to the December meeting. There was consensus to bring this back.

15. Ordinance regarding Marysville, Lake Stevens, and Lakewood School Districts' 2022 - 2027 Capital Facilities Plans (CFPs)

**Memo re. School District 2022 - 2027 CFPs**

**Ordinance School District 2022 - 2027 CFPs**

**Marysville School District 2022-2027 CFP**

**Lake Stevens School District 2022-2027 CFP**

**Lakewood School District 2022-2027 CFP**

**PC Recommendation and Minutes - School District CFPs**

Senior Planner Gemmer reviewed this item related to Capital Facilities Plans for Marysville, Lake Stevens, and Lakewood School Districts. Marysville and Lakewood School districts are not anticipating collecting school impact fees. Lake Stevens is anticipating seeing a modest increase in the rate for single family dwellings and a substantial decrease in the rates for multifamily dwellings.

Denise Stiffarm from Pacifica Law Firm was present via Zoom representing Marysville and Lakewood School Districts. Rob Stanton was present via Zoom representing Lake Stevens School Districts.

Councilmember Richards asked about Marysville and Lakewood not collecting school impact fees. Senior Planner Gemmer explained that they don't currently have capacity-related needs, but enrollment will be monitored. Mayor Nehring clarified that the Council doesn't have the ability to raise impact fees. The fees have to comply with state code and city code, and they have to be a growth-related capacity issue. If there was a nexus, the districts would ask



**Motion** to adopt Ordinance No. 3241 moved by Council President Norton seconded by Councilmember Richards.

**AYES: ALL**

16. Ordinance regarding Quil Ceda Tannery Comprehensive Plan Map Amendment and Rezone, and concurrent repeal of the 88th Street Master Plan

**Staff Rec. -Quil Ceda Tannery Rezone & 88th Street Master Plan repeal**

**Ordinance - Quil Ceda Tannery Rezone & 88th Street Master Plan repeal**

**PC Recommendation and Minutes - Quil Ceda Tannery Rezone**

Senior Planner Gemmer reviewed this item.

Councilmember Richards asked if the Planning Commission has reviewed this. Senior Planner Gemmer affirmed that they have reviewed it multiple times. Councilmember Richards noted that the name should probably be changed since the Tannery has moved.

Councilmember Muller asked if creating connectivity down to 80th or Cedar was considered. Senior Planner Gemmer replied that it is still on staff's radar. They would encourage people to still pursue some sort of frontage access that parallels the Burlington Northern railroad tracks. There were two different options for having that frontage road connect down to 80th Street. She discussed challenges with intervening property owners for making that connection. The good news is that industrial uses generate significantly less traffic than mixed use which obviates the need to provide that alternate access. Councilmember Muller asked about the design requirements for the long walls as discussed at the Planning Commission meeting. Senior Planner Gemmer reviewed design requirements.

Councilmember King asked about the possibility of a signalized intersection. Director Laycock explained that had been considered with past proposals but it would require closing all the private crossings.

Councilmember James asked why the property at 8430 was added to the rezone. Senior Planner Gemmer explained that the owner of the property to the south doesn't envision continuing in a residential capacity.

**Motion** to adopt Ordinance No. 3242 moved by Council President Norton seconded by Councilmember James.

**AYES: ALL**

17. Ordinance regarding Smokey Point Area-wide Rezone and associated permitted uses code amendments

**Staff Rec. Smokey Point Area-wide Rezone**



## PC Recommendation and minutes - Smokey Point Area-wide Rezone

### Ordinance - Smokey Point Area-wide Rezone

Senior Planner Gemmer reviewed this request for rezone and amendments to associated permitted uses.

- Councilmember Condyles asked if any of this rezone is in the Cascade Industrial Center area. Senior Planner Gemmer replied that it is all in the Cascade Industrial Center.

Council President Norton asked about changes to landscaping requirements. Senior Planner Gemmer explained the changes and noted it pertains to the next item.

**Motion** to adopt Ordinance No. 3243 moved by Councilmember Richards seconded by Council President Norton.

**AYES: ALL**

18. Ordinance regarding Industrial Site and Building Design Standards, associated minor amendments to the parking and sign codes, and concurrent repeal of Chapters 9 and 10 of the Smokey Point Master Plan

## Memo re Industrial Design Standards and associated exhibits

### PC Recommendation and Minutes - Industrial Design Standards

#### Ordinance - Industrial Design Standards

Senior Planner Gemmer discussed proposed amendments to industrial design standards, amendments to parking and sign codes, and concurrent repeal of Chapters 9 and 10 of the Smokey Point Master Plan. The design standards are proposed to apply along the first 150 feet of light industrially zoned properties along 152nd, Smokey Pt. Blvd/State Avenue, 136th Street, and 128th Street.

Councilmember Condyles asked how these amendments came about. Ms. Gemmer explained they were staff-generated. Councilmember Condyles asked about the differences. Ms. Gemmer generally reviewed these.

**Motion** to adopt Ordinance No. 3244 moved by Councilmember Muller seconded by Councilmember Condyles.

**AYES: ALL**

19. Ordinance regarding Residential Design Standards Applicability Amendments

#### Ord. residential design applicability

### PC Recommendation and Minutes - residential design applicability

**Motion** to adopt Ordinance No. 3245 moved by Councilmember Richards seconded by Councilmember James.

**AYES: ALL**

20. SHI Quote # 22570333 for Microsoft 365 & Microsoft Enterprise Enrollment # 58565302.

**Microsoft - Enterprise Agreement.pdf**

Director Doherty reviewed this request to purchase 250 licenses for Microsoft 365 & Microsoft Enterprise enrollment.

Councilmember James asked if this is an annual cost. Director Doherty stated this is a three-year term, but paid annually.

Councilmember Muller asked if this forces the City to use Teams. Director Doherty stated it does not force them, but allows the option.

**Motion** to authorize the Mayor to sign and execute the Microsoft Enterprise Enrollment Agreement including 250 licenses for Microsoft 365 from reseller SHI in the amount of \$115,931.49 moved by Council President Norton seconded by Councilmember James.

**AYES: ALL**

21. 2021 Transportation Benefit District (TBD) Annual Report

**TBD Annual Report - 2021 - Signed.pdf**

**2021 TBD Presentation.pptx**

Asst. Director Phan presented on the 2021 Transportation Benefit District (TBD) Annual Report. He reviewed background on the TBD, oversight, 2021 program (pavement preservation, transportation projects, carryover, revenues, expenditures and year-end balances). He highlighted a TBD map showing projects completed since 2014, planned construction projects, and remaining TBD locations.

Councilmember Muller asked if they are looking at major projects to use the carryover. Director Laycock replied they will use most of it on overlays and anything leftover will be used on other projects by 2024.

Councilmember King asked where the funds are kept and if they are earning interest. Director Wooldridge explained there is a pooled investment plan for the city. They don't look at each individual fund, but when interest is earned it is allocated amongst the funds based on their cash balance. A certain percentage of those funds are invested throughout the year. Some is kept within the fund to pay for projects as obligations become due.



**Motion** to approve the 2021 Transportation Benefit District Annual Report moved by Councilmember Richards seconded by Councilmember Muller.

**AYES: ALL**

## 22. 2023 Transportation Benefit District (TBD) Projects

### 2023 TBD Projects.pptx

Asst. Director Phan reviewed the 2022-2023 financial snapshot and explained how the funds are proposed to be spent. He listed the 2023 TBD projects. In addition to pavement preservation this would include 80th Street NE non-motorized (including overlay); Sunnyside Blvd and 52nd Avenue NE intersection; and Sunnyside Blvd and 53rd Avenue NE intersection. Most of the pavement preservation projects will be focused around the civic campus area.

Councilmember Richards asked what TBD money can be used for beside overlays. Director Laycock said it can be used for any transportation projects.

Councilmember James asked about a roundabout at 71st and Soper Hill. Director Laycock replied that the roundabout is the recommendation, but there might be concurrency issues with ongoing development. It is in the six-year TIP right now, but they will look at ways to fund the project in the future.

Councilmember Muller asked about using it for sidewalks. Director Laycock noted that originally they programmed about \$250,000 a year from TBD for sidewalks. They can look at it in the future also.

**Motion** to approve the list of 2023 Transportation Benefit District Projects moved by Councilmember Richards seconded by Council President Norton.

**AYES: ALL**

## 23. Project Acceptance - Opera House Exterior Painting

### Opera House - Physical Completion Letter.pdf

Director Laycock noted the Opera House looks great. The project came in a little over the bid amount because of the sales tax increase with the county that went into effect in April.

**Motion** to authorize the Mayor to accept the 2021 Opera House Exterior Painting project, starting the 60-day lien filing period for the project closeout moved by Councilmember Richards seconded by Councilmember Muller.

**AYES: ALL**

## 24. Project Acceptance - State Avenue HSIP (3rd to 80th)

### Letter 005A\_Physical Completion\_10-28-22.pdf



Director Laycock reviewed this item which was fully funded by the HSIP grant.

**Motion** to authorize the Mayor to accept the State Avenue HSIP (3rd to 80th) project, starting the 60-day lien filing period for project closeout moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

25. Washington State Department of Commerce Growth Management Act Periodic Update Grant - FY 2023

**Marysville-COM update grant 23-63210-078.pdf**

Director Miller reviewed the grant from the Department of Commerce for the Comprehensive Plan update. Staff intends to use the funds for the Transportation Element, the Housing Action Plan, and some graphics.

**Motion** to authorize the Mayor to sign and execute the Washington State Department of Commerce Growth Management Act Periodic Update Grant contract agreement for FY 2023 (Contract Number 23-63210-078) moved by Councilmember Richards seconded by Council President Norton.

**AYES: ALL**

26. Provide easements to the City of Marysville for operation/maintenance of fire-hydrants on the Amazon Distribution Center property in Arlington.

**01 Easement Document.pdf**

**02 Property Description (Ex A).pdf**

**03 Easement Description (Ex B).pdf**

**04 Easement Drawings (Ex C).pdf**

**05 Grantors Deed.pdf**

**06 As-Built Plans.pdf**

Director Miller reviewed the easement revision which is required by the Amazon distribution center.

**Motion** to authorize the Mayor to sign the easement document, accepting the proposed easements for recording with Snohomish County moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

27. 2023 State and Federal Legislative Priorities

## 2023 Legislative Priorities.pdf

**Motion** to approve the 2023 State and Federal Legislative Priorities moved by Councilmember Richards seconded by Councilmember Condyles.

**AYES: ALL**

### 28. Contract Extension for SCORE Jail Services

## 2023 SCORE Interlocal Housing Agreement\_v07282022.mh.pdf

Asst. Chief Lawless reviewed the contract extension for SCORE (South Correctional Entity) jail services. With the new facility they have reduced the need to use SCORE but it is still required occasionally. The number of guaranteed beds has gone down to two.

Council President Norton asked Asst. Chief Lawless to share what circumstances are when SCORE is needed. Asst. Chief Lawless explained these can be behavioral issues, mental health issues, and extreme medical conditions.

**Motion** to authorize the Mayor to sign and execute an ILA with SCORE moved by Council President Norton seconded by Councilmember James.

**AYES: ALL**

### 29. Second Amendment to site lease with T-Mobile West Tower LLC

## Second Amendment Crown Castle.pdf

## Memorandum of Second Amendment Crown Castle.pdf

City Attorney Walker reviewed the second amendment to the site lease with T-Mobile West Tower LLC.

Councilmember Muller asked if the fees are analyzed upon renewal. City Clerk Walker stated that they do not for this one because they are in the middle of an existing contract. For others there is a real estate person on staff who reviews them.

**Motion** to authorize the Mayor to sign and execute the second amendment to the site lease with option with T-Mobile West Tower LLC and the memorandum of second amendment to site lease moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

## Legal

## Mayor's Business



- Thanks to Sandy Langdon for her work on her final budget with the City. She has done a fantastic job as Finance Director. Staff had a chance to honor her and Worth Norton on the 15th. Thanks to CAO Hirashima, finance staff and director team for all the work on the budget. He expressed appreciation to Council for their fiscal responsibility.
- Tuesday, January 24 will be a potential legislative day. The 26th could be a backup day.
- Thanks to Public Works crews for their work in preparation for the weather.
- He is looking forward to Marysville for the Holidays.

### **Staff Business**

Director Miller stated she received a letter from Mr. Hogland, a resident of Emerald Hills Estate, voicing concerns about a Natural Growth Protection Area (NGPA) maintained and owned by the plat. He claims that trees on the NGPA tract are causing damage to his property. Director Miller explained that the City doesn't own the property. There is an easement over a wetland. There have been complaints over time about the maintenance of the NGPA. Staff will reach out to Mr. Hogland to discuss the situation. The City can do the work, but the HOA will be paying for the work. Mayor Nehring asked staff to also follow up with both the HOA and Mr. Hogland. Director Miller indicated she would do that.

#### **14. Ordinance regarding Josephine Caring Community Rezone**

Director Miller gave an update on the condition regarding no children under 18 residing in the project. She explained this is only for impact fees. The project narrative states that no school-age children would be living there. Councilmember Muller clarified that school-age is up to 21 in the State of Washington. Director Miller indicated she would look into this more.

### **Staff Business**

Chief Scairpon announced that on Friday, December 2, Marysville Police Officers and staff will be at Applebee's from 12 to 4 raising money for the Shop with a Cop Event.

Jon Walker stated the need for an Executive Session to discuss three items - two items regarding labor negotiations with action expected on both and one item regarding performance of a public employee with action expected for a total of five minutes.

CAO Hirashima thanked Council for their work and support in the budget process.

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

Councilmember Condyles:

- Thanks to Sandy Langdon and staff for their work on the budget.



- The NLC conference in Kansas City was informative and interesting. He noted that the issues Marysville is facing are nationwide.
- He complimented Utility Billing for their speediness and great customer service in setting up a new account.
- The park, water tower, and lights look great.

Councilmember James:

- He agreed that the lights look great.
- NLC summit was a good time last week. He was excited about mobile tours they had to see planned places around the city.

Councilmember King:

- He agreed that the conference was informative.
- Interviews will be held this Thursday for new fire chief position.
- Holiday lights look great.
- The overlay projects will add to the appearance of the civic campus.

Councilmember Richards:

- He asked if cold weather shelters are open. Mayor Nehring replied that they are.
- Thanks to everyone for their work on the budget.
- He attended Sandy Langdon's going away event.
- Thanks to Public Works for their work with the inclement weather.

Steve Muller:

- Thanks to everyone for the work on the budget.
- NLC was a great event. He appreciates that the Council was able to go. Interacting with and hearing stories about other jurisdictions makes him appreciate Marysville even more. He reported on sessions he attended and a tour he went on.
- It was a great meeting with Burlington Northern.

Council President Norton:

- She attended workshops on waterfront development and sporting complexes at NLP.
- She thanked Sandy Langdon for her many years of service to the City.
- She is excited about the budget which provides a good balance of providing services to residents while being mindful of their money.

## **Adjournment/Recess**

Council recessed at 9:17 p.m. and moved into Executive Session for five minutes.

## **Executive Session**

Council moved into Executive Session from 9:20 to 9:25 p.m. to address two items regarding labor negotiations with action expected on both and one item regarding performance of a public employee with action expected for a total of five minutes.

### Reconvene

The regular meeting reconvened at 9:25 p.m.

**Motion** to authorize the Mayor to sign and execute the Memorandum of Agreement with MPOA Custody Officers and Community Service Officers regarding operation of the Jail Board and fingerprinting moved by Councilmember Richards seconded by Council President Norton.

**AYES: ALL**

**Motion** to authorize the Mayor to sign and execute the Memorandum of Understanding with MPOA temporarily assuming duties traditionally performed by Teamsters employees moved by Council President Norton seconded by Councilmember Muller.

**AYES: ALL**

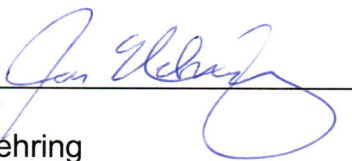
**Motion** to authorize the Mayor to cash out accumulated vacation hours in excess of 240 hours for retiring Finance Director Sandy Langdon in recognition of her years of exemplary performance and because she was unable to take expected vacation during the preparation of this year's budget due to training new staff during the budget process moved by Councilmember Richards seconded by Councilmember Condyles.

**AYES: ALL**

### Adjournment

The meeting was adjourned at 9:28 p.m.

Approved this 10<sup>th</sup> day of January, 2022.  
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Mayor  
Jon Nehring