

City Council



**501 Delta Ave
Marysville, WA 98270**

**Regular Meeting
November 13, 2023**

Call to Order

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

Invocation

Pastor Dan Hazen gave the invocation.

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 Norton (online)

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, City Attorney Jon Walker, Public Works Director Jeff Laycock, IT Director Stephen Doherty, Finance Director Jennifer Ferrer-Santa Ines, Community Development Director Haylie Miller, Planning Manager Chris Holland, Communications Specialist Bridgette Larsen, Principal Planner Angela Gemmer, Human Resources Director Megan Hodgson, Community Information Officer (CIO) Connie Mennie, Council President Kamille Norton (online), Police Chief Erik Scairpon, Assistant Parks Director Dave Hall, IS Systems Administrator Brandon Rossman

Approval of the Agenda

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

AYES: ALL

Presentations

A. Proclamation Declaring Nov. 25, 2023, Small Business Saturday in Marysville

PROCLAMATION Small Business Saturday 2023.pdf

Mayor Nehring read the proclamation into the record.

B. Swearing-in of Police Officer Jon Flaherty

Oath Police Officer Jon Flaherty.docx

Officer Jon Flaherty was sworn in.

C. Swearing-in of Police Officer Nick Buell

Oath Police Officer Nick Buell.docx

Police Officer Nick Buell was sworn in.

D. Swearing-in of Custody Sergeant Brandon Palmer

Oath Custody Sergeant Palmer.docx

Custody Sergeant Brandon Palmer was sworn in and presented with a certificate of promotion.

E. Swearing-in of Commander Chris Jones

Oath Police Commander Chris Jones.docx

Commander Chris Jones was sworn in.

F. 2023 YTD Financial Update

Finance Director Ferrer-Santa Ines presented the 3rd quarter year-to-date financial update. She reviewed General Fund revenues, tax revenues, General Fund expenditures, interfund/transfers, all other funds' revenues, all other funds' expenditures, and an executive summary of the City's Annual Financial Report - PAFR (Popular Annual Financial Report).

Audience Participation

Danielle Villasin, 5313 116th Street NE, Marysville, WA 98271, bought up amendments to the duck/fowl regulations. She requested that the matter be reopened so she could provide some input. She requested clarification about the final code.

Director Miller reviewed the recently amended code which allows one fowl per every 1,000 square feet with a maximum limit of 20 fowl on properties under an acre as long as the fowl aren't on the prohibited list.

Ms. Villasin presented a copy of questions she has regarding the code. She commented she had submitted a complaint over the summer regarding her neighbor's fowl and was not aware of the code amendment process. She provided a copy of her questions to staff.

Marlin Phelps, 7860 88th Place NE, Marysville, WA, complained about police treatment he received in Edmonds and expressed concern about police officers and the low number of trials in Marysville.

Patrick McCourt, 10515 20th Street SE #202, Lake Stevens, presented a summary of their vast packet of information regarding their Comprehensive Plan rezone request for 48 acres in the CIC from Light Industrial (LI) to Multi-family, Medium Density (R-18) zoning in order to provide workforce housing.

Councilmember Condyles recused himself because of his work relationship with the applicant.

Councilmember James asked for clarification about the type of housing that they are intending to provide. Mr. McCourt explained it would be workforce housing.

Councilmember Stevens asked for clarification about the lease that has yet to be signed with a potential tenant based on providing guaranteed housing for 100 units. He asked about the distance requirement built into the potential lessee's requirements. Mr. McCourt explained it needed to be within walking distance.

Councilmember Muller asked why they want to rezone the whole site. Mr. McCourt explained their equity partners are not favorable to split zoning.

Councilmember King asked if the gas easement refers to the Olympic Pipeline. Mr. McCourt replied that it does. Councilmember King asked about the impact of this might have on residential or commercial. Mr. McCourt explained efforts they have undertaken to ensure safety.

David Toyer, Toyer Strategic Advisors, 10519 20th Street SE, Suite 3, Lake Stevens, also spoke in support of NorthPoint's request for a rezoning of property in the Cascade Industrial Center (CIC). He asserted they have shown a demonstrated need for this housing and a demonstrated change in circumstances.

Councilmember Stevens asked if they had proposed a land swap with the school district. Mr. Toyer replied they did not get that far.

Councilmember Condyles returned to the meeting.

Approval of Minutes

1. October 23, 2023 City Council Meeting Minutes

CC 10232024.docx

Motion to approve the October 23, 2023 City Council Meeting Minutes moved by Councilmember Stevens seconded by Councilmember King.

VOTE: Motion carried 6 - 0

ABSTAIN: Councilmember Muller

Consent

2. October 25, 2023 Payroll in the Amount of \$1,823,176.08 Paid by EFT Transactions and Check Numbers 34801 through 34811
3. October 25, 2023 Claims in the Amount of \$1,599,337.15 Paid by EFT Transactions and Check Numbers 165908 through 166047 with Check Numbers 142337, 147855, 149255, 149306, 149329, 149433, 149450, 149455, 149497, 149540, 149647, 149705, 149790, 150168, 150332, 150511, 150531, 150610, 150662, 150671, 150812, 150859, 150877, 150905, 151222, 151328, 151340, 151341, 151344, 151405, 151426, 151723, 151820, 151822, 152317, 152473, 152777, 152789, 152794, 152866, 153033, 153052, 153217, 153404, 153536, 153724, 153761, 153783, 153799, 153884, 153929, 153961, 154005, 154224, 154230, 154269, 154513, 154633, 154676, 154780, 154977, 155131, 155217, 155230, 155443, 155468, 155621, 155719, 155721, 155824, 155839, 155898, 155910, 155937, 156086, 156250, 165773, 165830, and 165853 Voided

102523.rtf

4. Interlocal Agreement (ILA) with Score Jail for contracted jail services for the 2024 calendar year.

SCORE ILA for Inmate Housing.pdf

5. Interlocal Agreement between City of Marysville and Everett Animal Shelter Regarding Animal Shelter Services

Everett Animal Shelter Interlocal 2023.pdf

6. Supplemental Agreement No. 2 to the Little League-Cedar Field Lease Agreement.

Supplemental_Agreement_No._2-_Little_League-_Cedar_Field.pdf

7. Washington State Department of Commerce Growth Management Act Periodic Update Grant FY2024

Marysville-COM Periodic Update grant contract 24-63335-278

8. Waste Management Industrial Service Agreement

WM Industrial_Service_Agreement.pdf

9. Snohomish County Non-Exclusive Franchise Agreement for Limited Use of the Public Road Right-of-Ways

2023-1002 Ord 23-088.pdf

10. Professional Services Agreement with Herrera Environmental Consultants, Inc. for Mother Nature's Window Engineering Design & Master Planning Services

P1503_PSA_Herrera_r1_Herrera Signed.pdf

11. Staff proposal to use distribution from Opioid Settlements to offset jail medical costs and or enhance the Embedded Social Worker (ESW) program

Memo-Use of Opioid Funds Proposal 10.30.23.docx

12. Professional Services Agreement with Berger Partnership PS for the Jennings Memorial Park Inclusive Playground Planning & Design

PSA-Berger Partnership-JMP Inclusive Play(unsigned).pdf

13. Professional Services Agreement with RH2 Engineering, Inc. for the Sewer Comprehensive Plan Update

PSA RH2 - SSCP - Remainder of Work FINAL.pdf

Motion to approve the Consent Agenda in its entirety moved by Councilmember Condyles seconded by Councilmember James.

AYES: ALL

Review Bids

Public Hearings

14. An Ordinance Setting the Regular Property Tax Levy for all Real, Personal, and Utility Property Subject to Taxation within the Corporate Limits of the City of Marysville for the Year 2024.

Regular levy ordinance 2024.docx

Finance Director Ferrer-Santa Ines presented a draft modification of the ordinance in response to Councilmember Muller's question about modifying the language. The revision added in Section 1: "The City will not increase the regular property tax levy on taxable property within the City is hereby authorized for the levy to be collected in 2024 tax year." She explained that the second sentence of the section has to remain as it is.

Councilmember Muller asked why they can't just say there will be no increase. In Section 2 he recommended replacing "increase" with "levy". City Attorney Walker recommended taking out "is hereby" in Section 1. He thought replacing "increase" with "levy" would be fine.

The public hearing was opened at 7:56 p.m. and comments were solicited. Seeing none, the hearing was closed at 7:57 p.m.

Motion to adopt Ordinance No. 3291 with the following changes to the amended draft:

- Section 1 - "The City will not increase the regular property tax levy on taxable properties in the City authorized for the levy to be collected in the year 2024 tax year."
- Section 2 - Replace "increase" with "levy".

moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

New Business

15. Project Acceptance for the 2nd Street LID Improvement Project *

SL_007_Physical Completion.pdf

Director Laycock reviewed this recommendation to accept the 2nd Street project.

Motion to authorize the Mayor to accept the 2nd Street LID Improvement Project, starting the 60-day lien filing period for project closeout moved by Councilmember Stevens seconded by Councilmember Muller.

AYES: ALL

16. Lease Agreement Amendment for LINC NW

LINC NW Lease Amendment.docx

Motion to authorize the Mayor to approve amendment No. 1 to the lease agreement between City of Marysville and LINC NW moved by Councilmember King seconded by Councilmember Condyles.

AYES: ALL

17. An Ordinance amending the 2023-2024 Biennial Budget for various purposes not known at the time of budget adoption.

Q4 2023 Budget Amendment Memov2.docx

11 6 2023 BA Ordinance Nov 2023 v2.docx

Director Ferrer-Santa Ines reviewed this item.

Motion to adopt Ordinance No. 3292 moved by Councilmember James seconded by Councilmember Richards.

AYES: ALL

18. An Ordinance amending the Light Industrial design standards.

PC Minutes - 7.25.23 and 9.26.23

Ord. Industrial design minor amendment

Principal Planner Gemmer reviewed the proposed amendments which would make it clear where the light industrial standards apply.

Councilmember Stevens noted a map discrepancy. Principal Planner Gemmer indicated staff would look into it.

Motion to adopt Ordinance No. 3293 moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

19. An Ordinance approving the Mavis-Undi Rezone.

Councilmember Condyles recused himself. Principal Planner Gemmer reviewed this item.

Staff Recommendation Mavis-Undi Rezone

PC Minutes - 4.25.23, 5.23.23 and 10.10.23

Supplemental materials submitted by applicant at hearing

Ordinance Mavis-Undi Rezone

Ordinance Mavis-Undi Rezone

Principal Planner Gemmer reviewed this item. Staff researched the Council's recommendation to look into a developer agreement and determined it would not be the best option for this situation. She discussed numerous reasons which were outlined in the agenda packet. Essentially, it would not be a best practice for the City. It is best used for large sites with complex negotiations. It shifts the risk to the City in that it is a binding contract. It is also difficult to administer for staff. She noted the applicant could still come back with a project action rezone at any time.

Councilmember Muller asked how they could protect themselves if they can't do a developer agreement. What are the options for putting protections in place? Ms. Gemmer explained this is why staff's recommendation is what it is. She noted that denial of the rezone would still leave open the option to potentially do a rezone any time of year with a project action where those concerns can be vetted. Once the property is rezoned, that determines the uses that could be pursued. Ultimately, it is Council's decision to make.

Councilmember Stevens agreed that the developer agreement isn't ideal for this sized parcel. He also feels like the street is enough of a buffer from the neighborhood for this type of use. He asked if staff could highlight the landscape buffer requirements between the two zones. He said he agrees with staff's recommendation.

Councilmember Richards said he thinks the property would be best combined with the two properties to the north. He understands why they don't want to put the City at risk with this.

Council President Norton commented that even if they don't approve the rezone today it is still possible to have a project-specific rezone request. She has no problem with this going to General Commercial but by not knowing what is going in there it puts the risk on the City. If they know what is going in there, it may make it easier to approve the rezone and to protect the neighborhood. Principal Planner Gemmer clarified that a project action rezone would go before the hearing examiner. Later in the process the City Council would affirm the hearing examiner's decision.

Councilmember Stevens asked about potential applicants that have looked at putting General Commercial here. Ms. Gemmer explained there have been some that staff did not feel were consistent with the Lakewood Neighborhood Master Plan like self-storage, strip retail, and a high-volume fast food restaurant. There have also been people interested in doing something like a grocery store here but they backed away because of access and high-water table concerns. Councilmember Stevens noted that this lot is not ideally situated for R-12 development because of the shape and the proximity to General Commercial. He could see a general commercial developer utilizing that parcel in conjunction with the adjacent parcels in a way that could yield something different.

Councilmember Muller commented that he thinks it is better that there is a potential for a larger site development. He supports the use. He doesn't support waiting until later but if there was a bigger land action for the whole site, they could have some controls.

Councilmember King asked how the high-water table would affect the development of the parcel. Ms. Gemmer said most of the developers in the area are bringing in structural clean fill and raising up their sites.

Councilmember Richards asked about the process if this were to go to the hearing examiner. Ms. Gemmer explained that the City Council would still affirm the decision. Councilmember Richards asked if they could continue this to the next meeting. Ms. Gemmer explained that is a possibility, but if they did that they would also need to continue items 20 and 21.

Councilmember James said he didn't feel comfortable voting on this tonight with the new information unless they have to. If they do the rezone to General Commercial, can they add constraints? Ms. Gemmer explained that there would be standard landscape barriers and other standard code requirements. They would not be able to apply additional conditions.

Councilmember James asked about tabling this. Staff explained they would have to table all three items because of state regulations.

Councilmember Stevens asked about the right-of-way width on 169th. Ms. Gemmer said no additional right of way is expected to be needed there. Councilmember Stevens commented on how the road would provide a buffer. Councilmember Muller commented that by design, building orientations also take into account residential neighborhoods or adjacent properties. Buffers and orientations get brought into the site plan when they develop these. That's why it might be better to do this as a cohesive piece.

Motion to approve Ord. 3294 moved by Councilmember Richards seconded by Councilmember Stevens.

AYES: ALL

20. KM Capital/51st Avenue Rezone Request

Staff Recommendation 51st Ave-KM Capital Rezone

PC Minutes - 4.25.23, 5.23.23 and 10.10.23

Supplemental information submitted by applicant at hearing

Second supplemental information submitted by applicant 10.30.23

Director Miller reviewed this item. The applicant has requested approval of rezone to R-18 multifamily. Staff and Planning Commission have recommended denial. She

responded to information provided by the applicant tonight. Even with the new information, staff is recommending denial.

Councilmember Richards asked for clarification on the motion language. He commented that they are still in the early phases of the CIC and don't need to be concerned about housing there yet. Also, he doesn't see the school district doing anything with that property. He thinks they will likely turn it over to someone to develop it.

Councilmember Muller referred to the parcel that was residential and then rezoned to industrial. Are those separate tax parcels? Ms. Gemmer replied there are two tax parcels. Councilmember Muller said he was not in support of 700+ units going in there. He is also not in support of changing the whole thing, but he would consider changing the original part that was residential to provide a smaller number of units.

Councilmember Stevens referred to the Snohomish County map and said he didn't think the parcel lines align with the lot lines. He wasn't sure if they could get 100 units on the piece that was originally zoned residential. He agreed with Councilmember Muller and said he thought if this was rezoned to residential it would open a floodgate of others wanting to rezone. He emphasized the goals of this area and commented they are starting to see the dividends as a city of this not being residential. He said he could be convinced to give back that ten acres if it is useful, but noted there are other properties across the street and developments in Arlington that have market rate housing available. He proposed that the developer enter into conversations with the owners of those properties to see if there can be some guaranteed housing. With the trail systems that will be put in, this whole area will be walkable. He was supportive of affirming the Planning Commission's denial of this rezone.

Councilmember James asked if staff has heard a concern from other tenants about a lack of workforce housing. Director Miller replied they have not. Councilmember James commented that there is adequate buildable lands for housing at this time. He recognized the history of Council holding onto this land. He agreed with Director Miller's comment that housing is needed but not at the expense of this land in the CIC.

Motion to authorize the Mayor to affirm the Planning Commission's Recommendation to deny the KM Capital/51st Avenue Rezone request moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

Councilmember Condyles returned to the meeting.

21. An Ordinance approving amendments to the Downtown Master Plan, MMC Ch. 22C.080, Downtown Master Plan Area - Design Requirements, and other minor associated MMC provisions.

Memo re. Downtown Master Plan amendments

Ordinance DMP and code amendments

PC Minutes - 9.26.23 and 10.10.23

Principal Planner Gemmer reviewed the proposed amendments to the Downtown Master Plan design requirements and other associated provisions.

Motion to adopt Ordinance No. 3295 moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

22. An Ordinance related to temporary sign regulations.

2 Memo CC Workshop Memo 11-06-23

1 Ordinance Sign Code 11-13-23

3 PC DRAFT Minutes.pdf

4 PC Recommendation-Temporary Signs-CA22001.pdf

Director Miller reviewed this item. Staff made one change related to festoon-type signs based on feedback from the work session.

Councilmember James asked if the City would have to abide by the same regulations. Director Miller explained they would but noted there are provisions for temporary signs. Planning Manager Holland added that festivals are exempt from certain types of signage.

Councilmember King thought they might want to look into readable message signs for the future.

Motion to adopt Ordinance No 3296 with the amendment to have an effective date of February 1, 2024 moved by Councilmember Muller seconded by Councilmember Stevens.

AYES: ALL

23. An Ordinance amending nuisance regulations related to dilapidated fences.

1 Ordinance - Fences 11-13-23.pdf

Director Miller commented that no changes have been made to this since the work session.

Motion to adopt Ordinance No 3297 moved by Councilmember Richards seconded by Councilmember Condyles.

AYES: ALL

Legal

Mayor's Business

24. 2024 State and Federal Legislative Priorities

Combined Packet2024_StateAndFederal.pdf

Councilmember Stevens noted that River View should be corrected to River Walk on item 5.

Motion to approve the 2024 State and Federal Legislative Priorities moved by Councilmember James seconded by Councilmember Richards.

AYES: ALL

Mayor Nehring said he attended the State of the Station last week with Councilmembers Muller and James. Jeremy Harrison-Smith was in town from the Governor's office last week. He and several others met with him and took him on a tour of the CIC.

Staff Business

Director Miller referred to a letter of support from staff regarding a UGA-expansion proposal that is being considered at the county level. There was general agreement to move forward with the letter.

City Attorney Walker stated the need for one executive session item regarding collective bargaining for five minutes with action expected.

Call on Councilmembers and Committee Reports

Councilmember Condyles:

- Congratulations to the officers sworn in tonight.
- He noted that the water tower is turning 102 next week. It's nice to see the improvements in the uplighting on it.
- Happy Thanksgiving to everyone.

Councilmember James:

- Congratulations to the officers that were sworn in and promoted tonight.
- The food bank has started doing appointments which can be scheduled online.
- The State of the Station was a good event. It was nice to hear what is happening there.

Councilmember King:

- Congratulations to police and custody officers.
- The holiday lights look good.
- Comeford Park looks good.

- Congratulations to fellow councilmembers and Mayor Nehring for being re-elected.

Councilmember Stevens complimented planning staff for their hard work.

Councilmember Richards:

- Congratulations to officers who were sworn in or promoted.
- He noticed that the cold weather shelter is open.
- Congratulations to those who got re-elected.

Councilmember Muller:

- It's good to see the Public Safety new hires.
- The cold weather shelter is looking for people to make soup. Anyone interested can contact LINC NW.
- Congratulations to those who were re-elected.
- The State of the Station was a good event. They have been a great partner.

Council President Norton said she was happy to see police officers sworn in and promoted.

Adjournment/Recess

Council recessed at 9:22 until 9:26 p.m.

Executive Session

Council convened in Executive Session at 9:27 for five minutes.

Reconvene

Council reconvened at 9:32 p.m.

Motion to authorize the Mayor to sign and execute the tentative agreement with Teamsters provided that Teamsters approves the agreement moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL


Adjournment

Motion to adjourn the meeting at 9:33 p.m. moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

The meeting was adjourned at 9:33 p.m.

Approved this 28th day of November, 2023.



Mayor
Jon Mehring