

City Council



1049 State Avenue  
Marysville, WA 98270

**Work Session  
January 3, 2022**

**Call to Order**

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

**Pledge of Allegiance**

Mayor Nehring led the meeting in Pledge of Allegiance.

**Roll Call**

**Present:**

Mayor: Jon Nehring

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

Staff: Finance Director Sandy Langdon, Chief Administrative Officer (CAO) Gloria Hirashima, Public Works Services and Utilities Director Karen Latimer, Community Development Director Haylie Miller, Police Chief Erik Scairpon, Information Services Director Worth Norton, Systems Analyst Mike Davis, Public Works Engineering and Transportation Director Jeff Laycock, City Attorney Jon Walker, Parks & Recreation Director Tara Mizell, Fire Chief Martin McFalls, Deputy City Clerk Genevieve Geddis, Communications Officer Connie Mennie

**Approval of the Agenda**

**Motion** to approve the agenda as presented moved by Councilmember Muller seconded by Councilmember James.

**AYES: ALL**

**Presentations**

A. Councilmembers' Oath of Office

Council President Norton swore in Councilmembers Vaughan and King. Mayor Nehring congratulated them on their re-election.

**Approval of Minutes (Written Comment Only Accepted from Audience.)**

1. Approval of the November 22, 2021 City Council Meeting Minutes
2. Approval of the December 3, 2021 City Council Retreat Minutes
3. Approval of the December 6, 2021 City Council Work Session Minutes
4. Approval of the December 20, 2021 City Council Special Meeting Minutes

**Consent**

5. Approval of the December 15, 2021 Claims in the Amount of \$1,430,231.46 paid by EFT Transactions and Check Numbers 152134 through 152284
6. Approval of the December 22, 2021 Claims in the Amount of \$2,869,006.94 paid by EFT Transactions and Check Numbers 152285 through 152417 with Check Numbers 14505 and 152019 Voided

**Review Bids**

**Public Hearings**

**New Business**

7. Consider the Termination from Voluntary Cleanup Program Agreement with the Department of Ecology for the Interfor Pacific Site at 60 State Avenue

Director Laycock reviewed this agreement to release the City from the Voluntary Cleanup Program.

8. Consider the Memorandum of Understanding with Medical Care Organization

Chief Scairpon explained this would allow the police to more efficiently provide continuity of care with medical providers for inmates.

9. Consider the Mental Health Alternatives Program (MAP) Court – Bridgeways Agreement

CAO Hirashima explained this is a continuation of the MAP Court program for 2022. The City of Marysville and the City of Everett have been contracting with Bridgeways to fund collectively a full-time employee to work with the courts and the prosecutor.

Council President Norton asked if the cases are split evenly between Everett and Marysville. CAO Hirashima was not sure but indicated staff could look into that.

10. Consider the Hotel Motel Tourism Grant Committee Funding Recommendation

Councilmember Muller reviewed the funding recommendations. He explained they changed the application last year to be able to focus more on partnership and marketing with the hotels. The new application gave more input and opened up discussion with applicants about that.

Council President Norton asked about using future funds for more lasting things. Councilmember Muller noted they discussed that and for that reason left quite a bit of the funds in reserve.

11. Consider a Resolution Recognizing Marysville as a Purple Heart City

Mayor Nehring introduced this item. There were no comments or questions.

12. Consider an Ordinance Updating MMC 22A.010 and 22C.180 to Create More Flexible Regulations for Accessory Dwelling Units

Director Miller introduced a code change being proposed regarding regulations for Accessory Dwelling Units (ADUs). The state has amended some of the regulations over the last couple years. Some of the updates being proposed would address mandated changes by the State. Others are proposed by staff.

- Remove parking requirements for homes within a quarter mile of any major transit stops
- Change Household and Occupancy Standards to establish a maximum based on building code standards
- Update definition of kitchen
- Eliminate the owner occupancy requirements for ADUs
- Increase maximum size of ADU to 50% of the home size
- Flexibility measures are built in to the code

Councilmember Muller discussed the original reasoning for the owner occupancy requirements and expressed concern about removing those requirements. Director Miller commented that they could leave that in the code as long as the State allows it.

Councilmember King asked for clarification about how a major transit stop relates to this. Director Miller explained that this just relates to whether or not an extra parking spot for the ADU is required.

After some discussion, Director Miller summarized that the Council would like to maintain the existing owner occupancy requirement for now. She noted there is a

requirement that the applicant record a document with the title attesting that the owner lives in either unit. Staff is of the opinion that it can just be required as a permit condition. Council indicated a desire to leave that in place.

13. Consider an Ordinance Updating MMC 6.76 Noise Regulations to Reduce Construction Hours of Operation

Director Miller explained that city staff is proposing to limit construction operation hours from 7 a.m. to 9 p.m. during the week. On weekends and legal holidays, the hours would be limited to 9 a.m. to 9 p.m.

Councilmember Richards asked if there are any exceptions for extreme heat or other circumstances. Director Miller explained that the Community Development Director would have the discretion to grant a variance for unique situations. Councilmember Richards asked about time limits for garbage trucks. Director Latimer commented that the City tries to follow the construction timeframe. Commercial routes start by 5 a.m. behind the businesses so they can get out there before cars start parking. Everybody else starts at 6.

Councilmember James asked about the reason for the change. Director Miller replied they have not received a lot of complaints regarding the standard hours. Mayor Nehring commented that there is a lot of residential construction right now and a fair number of complaints. He noted that these are more citizen-driven complaints they are responding to. Councilmember James expressed concern about the impact this would have on developers by extending the length of their projects.

There was discussion about other types of noise regulations in the City. Councilmember Vaughan recommended that the City's garbage truck noise regulations also line up with what they require of developers. He would rather have a 7 a.m. start with a 9 p.m. finish even on weekends and holidays.

CAO Hirashima noted there is an exemption in the code that relates to sounds created by garbage trucks and other vehicles necessary for the health and safety of the community.

There appeared to be consensus on a 7 a.m. to 9 p.m. timeframe across the board.

Councilmember James asked how this compares to surrounding jurisdictions. Director Miller indicated she could look into that for the next meeting.

Councilmember Vaughan asked how enforceable this is. Director Miller explained they are usually on the phone with the developer the same day. Construction inspectors can also go out and monitor the situation. Most applicants want to work with their neighbors. Councilmember Vaughan asked if they use a sound level meter. Director Miller did not think they had one available. She stated that is usually resolved with a simple phone call.

Councilmember James wondered why they were changing it from 10 to 9 p.m. if it might benefit someone who needed to work until 10 p.m. on a temporary basis.

14. Consider an Ordinance to Allow For and Establish Regulations for the Following Supportive Housing Types (in Response to House Bill 1220): Emergency Housing, Indoor Emergency Shelters, Transitional Housing Facilities, and Permanent Supportive Housing in Zones that Allow For Hotels and/or Residential Zones

Director Miller reviewed this item stemming from a State Housing Bill that was passed in July of 2021. This relates to the requirement for cities to allow for emergency shelters, emergency housing, transitional housing, and permanent supportive housing facilities. The four uses can be divided into two sections based on the housing type. The first section is emergency indoor shelters and emergency housing which are shelters to provide for people's immediate needs. The State has required that cities allow these types of housing in all zones that allow for hotels. In the proposal staff has eliminated hotels as a permitted use from four multi-family zones. The City has not received any requests for hotels to be located in these zones which are primarily residential neighborhoods. The indoors shelters and emergency housing would not be required in those areas as a result of that code change. It is required in commercial areas that allow for hotels. There are reasonable controls built into the code. The State requires that cities implement reasonable occupancy, spacing and intensity use standards. Staff went as strict as they felt they could go without running into legal issues.

Councilmember King asked if any of these relate to warming shelters. Director Miller replied it could, but these are generally permanent shelters. Cold weather shelters or other shelters related to catastrophes or weather emergencies would be allowed anyway.

Councilmember Muller asked if these require sprinklers. Director Miller explained that it would need to pass fire and building codes.

The other two uses - permanent supportive housing and transitional housing - are currently allowed in Marysville. Permanent supportive housing looks more like traditional single-family or multifamily uses. It requires a very low bar to move in and there is some ongoing support that occurs with the permanent supportive housing uses. Transitional housing is similar, but it has a time limit of up to 24 months. Examples of similar housing include the City's MESH housing and the Housing Hope projects. Staff isn't proposing any changes for these two uses other than requiring an operations plan because the uses are already allowed and already in use. Transitional housing facilities and permanent supportive housing are required in all zones that allow for hotels and all residential zones. Typically they have been permitted in residential zones with little issue.

Councilmember James asked if Extended Service Facilities (ESFs) are included in the definition of permanent supportive housing. Director Miller replied that they are not.

They are regulated under a different state regulation, and nothing is changing there. This also would not apply to pallet shelters.

15. Consider an Ordinance to Establish Regulations in MMC 22C.260 for Mobile Food Vendors (Food Trucks) on City Properties, Private Properties, and as part of Special Event Permits

Director Miller explained the City does not have a formal food truck/mobile food vendors ordinance in place. Staff is proposing a code that would allow food trucks on city-owned property on a case-by-case basis per flexible terms. They have also proposed to allow food trucks to be allowed within a special event and allowing them on private properties with restrictions. The food trucks must be at least 100 feet away from existing restaurants, must receive written permission from the property owner to be there, and be limited on that property for three days a week or up to 12 days a month. For now, they are not proposing that food trucks be allowed on city streets or in the right-of-way unless it is associated with a special events permit. They are also proposing that food trucks be prohibited in residential zones unless it is associated with a special event. Staff sent a letter to every restaurant in the City to solicit feedback, and only four or five responses were received. The proposed regulations addressed most of the reasonable comments that were submitted.

Councilmember King asked if the City could pull a permit on a food truck that does not have an acceptable appearance or is poorly maintained. Director Miller agreed. If it detrimental to the area or other businesses the City may pull the license.

Councilmember James asked how they came up with the three days a week limit. Director Miller replied if it was more than three days a week it would appear to be more of a permanent use. Councilmember James asked if the restrictions refer to the owners or to the truck (in case owners have more than one truck). Director Miller indicated it referred to the truck. Councilmember James asked about restrooms and handwashing. Director Miller explained the Health District handles the health standards within the truck. The City is requiring, in addition, that the truck provide a restroom and handwashing facility within the vicinity for the employees and/or the public with a neighboring business. Councilmember James asked how they arrived at the 100-foot minimum distance from a restaurant. Director Miller explained this could be changed. Many cities require 100 feet, but others do up to 300 feet. Councilmember James suggested asking the restaurants if 100 feet away is enough.

Councilmember King asked if the electrical would be inspected for an L&I stamp. Director Miller replied that they would follow the standard regulations. She indicated she would look into this further and clarify.

Councilmember Vaughan asked about other jurisdictions that are implementing these successfully. Director Miller stated she could follow up with Lake Stevens for more detail. Everett felt that their code is working well. Bellingham's code works really well. Councilmember Vaughan discussed how these are addressed in the Portland/Beaverton area. He thinks this could work if the conditions are right, but

wondered if Marysville would have enough of a customer draw to allow these to be successful. He thinks that although the business community might see this as competition, it could actually be a draw to other establishments. It can become a destination and revitalize an area if done properly. He suggested looking at some models from other cities also.

Councilmember Muller likes the three-day limit so it is a temporary use or a place where they come together for an event or on a regular basis to serve a population. He does not like the model where they set up permanently in someone's parking lot.

Councilmember James asked about allowing porta potties which might allow them to be more on the outskirts of town or in industrial areas. There was discussion about different scenarios related to restroom facilities. She indicated this would be a policy decision by Council.

## **Legal**

### **Mayor's Business**

16. Annual Certification of Board of Health Representative

**Motion** to waive normal Council rules in order to take action on certifying the Board of Health Representative moved by Councilmember Richards seconded by Council President Norton.

**AYES: ALL**

**Motion** to nominate Councilmember James as the Board of Health Representative moved by Council President Norton seconded by Councilmember Richards.

**AYES: ALL**

### **Other Mayor's Business**

- He thanked Public Works crews and first responders and all staff for their tremendous work during the extreme weather event over the holidays. Thanks to CAO Hirashima and other staff members who came in from their vacation to help out.
- Thanks to everyone who worked to get the cold weather shelter open. The City is still looking to partner with someone who can provide a cold weather shelter on an ongoing basis in the downtown area. He thanked Generations Church and Salvation Army for their efforts.
- He also thanked all the crews who worked at the garbage site they put up at City Hall. He thanked CAO Hirashima for the great idea which many people took advantage of.
- He is looking forward to 2022.

### **Staff Business**

Director Latimer:

- She acknowledged Public Works crews and solid waste crews for all their hard work. She thanked Chief Scairpon for checking in to see how the Police could serve Public Works. She also thanked Communications Manager Connie Mennie for all her work getting messaging out to the community.
- She discussed Christmas tree recycling opportunities.
- She gave an update on the Comeford Reservoir recoat project.
- The City started collecting trash from the Central Annexation Area today - about 7500 new accounts. She discussed some challenges and how the City is addressing this.
- The trash/recycling drop station was much more successful than anticipated. About 40 tons of trash were collected.

Director Laycock gave an update on transportation crews' efforts during the extreme weather. He thanked everyone for working together to address concerns. The Public Works Committee meeting will be held on Friday at 2:00 on Zoom.

Chief Scairpon reported:

- The WATV topic will be presented at the February 7 Work Session.
- Unfortunately the Police were not successful in their grant application for body worn cameras.
- The new session for the State legislature is starting up where the topic of police reforms will be taken up.
- Thanks to Public Works for making the streets easy to get around in the bad weather.

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

Jeff Vaughan thanked staff and others involved in the snow removal effort and addressing the garbage in an innovative way. He thanked Director Miller for fielding a lot of questions, comments, and opinions on a variety of topics tonight.

Councilmember James:

- Thanks to Mayor and Council for allowing him to represent the City at the Health Board.
- He enjoyed seeing the Christmas light winners online.
- He asked about the Christmas tree on 4th which was missing lights. CAO Hirashima thought that it was because of the construction work being done on Cedar.
- Thanks to the City for arranging for the garbage drop off site.
- Thanks to Public Works for the snow removal and de-icing.

Councilmember King:

- Thanks to Council President Norton for swearing him in tonight.
- He appreciated the garbage/recycling drop off site opportunity.



- The holiday lights contest was fun to enter. It was also fun to drive around and look at all the lights.
- He commended the Salvation Army who did a great job with their kettle drive, breakfasts, and toy distribution at the food bank.
- He commented that BNSF carries a camera on their locomotives, and people are not supposed to be closer than 25 feet.

Councilmember Stevens commended staff for the snow removal efforts in Marysville. Happy New Year to everyone.

Councilmember Richards:

- He referred to his comments about trash pickup times and clarified he was fine with trash being picked up at 6 a.m. but just thought the code should be fairly applied to everyone.
- He appreciated the City Hall having the trash and recycling drop off site.
- Thanks to Public Works for the great job on snow removal.
- Thanks to Director Latimer for information about Christmas tree recycling.

Councilmember Muller commented he was glad to be back in person. He also took advantage of the garbage drop-off and helped some neighbors who weren't able to get out. He commended Public Works for their outstanding work during the extreme weather.

Council President Norton:

- Congratulations to Councilmembers King and Vaughan for getting sworn in today.
- Thanks to Parks staff for getting the holiday lights events.
- Thanks to staff for their hard work over these last couple weeks.
- It's great to be back in person.
- She solicited feedback on her recommendations for the committee list she had provided. Councilmember Richards expressed an interest in serving again on SCT (Snohomish County Tomorrow) Board since he is on Affordable Housing and they meet across the street from each other on the same night.

**Motion** to approve the committee appointments as amendment made by Councilmember Muller seconded by Councilmember Vaughan.

**AYES: ALL**

Election of Council President:

**Motion** to nominate Councilmember Norton as Council President moved by Councilmember Richards seconded by Councilmember James.

**AYES: ALL**

**Adjournment**

**Motion** to adjourn the meeting moved by Councilmember Muller seconded by Councilmember Richards.

**AYES: ALL**

The meeting adjourned at 9:19 p.m.

Approved this 24<sup>th</sup> day of January, 2022.

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