

City Council



501 Delta Ave  
Marysville, WA 98270

**Regular Meeting**  
**March 13, 2023**

**Call to Order**

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

**Invocation**

Pastor Alex Ghelli 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, Council President Kamille Norton

Absent: Councilmember Steve Muller (excused)

Staff: CAO Gloria Hirashima, City Attorney Jon Walker, Police Chief Erik Scairpon,  
Parks, Culture, and Recreation Director Tara Mizell, Community Information  
Officer (CIO) Connie Mennie, Community Development Director Haylie Miller,  
Public Works Director Jeff Laycock, IT Director Stephen Doherty, Information  
Systems Administrator Chris Brown

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

**AYES: ALL**

**Approval of the Agenda**

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

**AYES: ALL**

### **Presentations**

A.) Mayor's Volunteer of the Month

Darrel Jenkins was recognized as the March Volunteer of the Month for his service as an extraordinary coach.

### **Audience Participation**

Julie Anderson, 4826 122nd Place NE, Marysville, introduced herself and her friend who are new residents in Marysville. They are very pleased with what they see in Marysville. She expressed appreciation for law enforcement and the fact that this is a good place to raise a family. She thanked the Council and Mayor for their service.

### **Consent**

1.) March 8, 2023 Claims in the Amount of \$810,914.06 Paid by EFT Transactions and Check Numbers 161373 through 161537 with Check Number 160247 Voided

**Motion** to approve Consent Agenda item 1 moved by Council President Norton, seconded by Councilmember Richards

**AYES: ALL**

### **Review Bids**

2.) Contract Award - State Avenue "Phase II" Corridor Improvement Project, 104th Street NE to 116th Street NE

Asst. Public Works Director Max Phan reviewed this item. He noted that over half the funding is coming from the Transportation Improvement Board.

Mayor Nehring was very pleased to see something under the engineers estimate in this bid environment.

Councilmember Richards asked about the reason for the 7.5% reserve instead of the usual 10%. Mr. Phan replied it is because it is a larger project.

Councilmember James asked about the start date. Mr. Phan replied that it would probably be late April or mid-May. There will be 260 working days for the project. Hopefully it will be completed by next summer.

Councilmember Stevens said he was wondering about the total amount of TIB funding they have gotten for this corridor overall.

Councilmember King was very pleased about the completion of this project.

**Motion** to authorize the Mayor to award and execute the contract for the State Avenue "Phase II" Corridor Improvement Project, 104th Street NE to 116th Street NE, to Reece Construction Company in the Amount of \$7,716,488.39 including Washington State Sales Tax and Approve a \$578,736.63 Management Reserve (totaling 7.5% of the contract value), for a Total Allocation of \$8,295,225.02 moved by Councilmember Richards, seconded by Council President Norton.

**AYES: ALL**

### **Public Hearings**

#### 3.) Community Development Block Grant - Program Year 2023 Annual Action Plan

Director Miller reviewed the Community Development Block Grant Program Year 2023 Annual Action Plan.

The public hearing was opened at 7:17 p.m. and comments were solicited. There were none. The hearing was closed at 7:18 p.m.

**Motion** to approve the Program Year 2023 Annual Action Plan, as recommended by the Citizen Advisory Committee, provide a summary of, and response to any comments received during the public hearing, into the Program Year 2023 Annual Action Plan, and direct staff to forward Program Year 2023 Annual Action Plan to the U.S. Department of Housing and Urban Development moved by Council President Norton, seconded by Councilmember Condyles

**AYES: ALL**

#### 4.) First Amendment to Franchise Agreement with WaveDivision I, LLC, d/b/a Astound Broadband, powered by Wave

City Attorney Walker reviewed this five-year extension. Clarification questions followed.

Mayor Nehring opened the public hearing. There were no comments. The hearing was closed at 7:22 p.m.

**Motion** to authorize the Mayor to sign and execute the First Amendment to Franchise Agreement with WaveDivision I, LLC, d/b/a Astound Broadband, powered by Wave moved by Councilmember Stevens, seconded by Councilmember James.

**AYES: ALL**

### **New Business**



5.) Participation Agreement for Washington State Settlement with Five Opioid Manufacturers and Pharmacies

City Attorney Walker reviewed this settlement agreement related to the opioid crisis.

**Motion** to authorize the Mayor to sign and execute the Washington State Allocation Agreement Governing the Allocation of Funds Paid by Certain Settling Opioid Manufacturers and Pharmacies dated January 27, 2023 moved by Councilmember James, seconded by Council President Norton.

**AYES: ALL**

6.) Milltown Marathon - Special Event Permit (SE23001)

Director Miller reviewed the special event permit for the Milltown Marathon put on by the Snohomish Running Club. She discussed the route and details of the event. Staff is recommending approval.

Councilmember Richards asked if 529 would be closed during the marathon. Director Miller stated that part of it would be closed. She will follow up with Councilmember Richards about specifics

**Motion** to approve the Special Event Permit (SE23001) for the Milltown Marathon on Sunday, April 2, 2023 moved by Councilmember King, seconded by Council President Norton.

**AYES: ALL**

7.) An Ordinance amending Community Business Zoning Regulations

Director Miller reviewed the proposed amendments to the Community Business (CB) Zoning Regulations. This item has been discussed at length with the Planning Commission, Council, and Economic Development Committee.

The Planning Commission has recommended revising the CB zone to allow for a density of 18 units per acre up to 27 units per acre using Residential Density Incentives (RDI). Staff is also proposing to allow a developer agreement to allow for horizontal mixed use development in the Lakewood Neighborhood Planning Area. This was to address some concerns they had with the area related to the types of development they were receiving. Staff believes this is a good option for the area to allow for a bit more flexibility through a developers agreement. She stated she had sent some examples of different density to the City Council as requested by Council President Norton.

Council President Norton asked how many acres are left in this area that would be impacted by this. Director Miller replied it would impact about 40 acres north of 156th Street NE.

Councilmember James commented he thought that staff had proposed something less than what the Planning Commission came up with. Director Miller explained this is a policy decision. She noted that staff had proposed R12 as the base density allowing the applicant to go up to 18 units per acre using the RDI. The reason staff chose that is because the adjacent zoning to the west is R-12, and this would be consistent with that. The Planning Commission believed that more density would be better in that area to help support commercial uses. They have suggested the alternative density - 18 units per acre up to 27 units per acre. That is still technically less than the density that this zone had before. Staff is supportive of either approach.

Council President Norton reiterated her concerns about increasing the density in this zone. She doesn't want to take away from the commercial element that she thinks will be important there.

Councilmember Stevens thanked Director Miller for putting the examples together. He thought it might also be helpful to see examples of residential densities over commercial uses in a true mixed use. He asked if the heights of 3 floors over commercial would be supported in that zone. Director Miller replied that the maximum height is 55 feet so that would be very doable. He stated he could support either recommendation. He agrees that more residential to support commercial would make it more viable, and design guidelines would help to ensure it is developed responsibly.

Councilmember Richards asked for confirmation that the plan is to require commercial on the bottom. Director Miller concurred. The only exception would be if there was a developer agreement approved by Council that met the intent of the code.

Council President Norton referred to the RDI and asked where the 27 number came from. Director Miller replied it aligns with one of the existing zones that allows for 18-27 units per acre.

There was discussion about options available to the Council. The Planning Commission is recommending Option 1 with a density of 18-27 units per acre with the option to allow a developers agreement.

**Motion** to adopt Ordinance No. 3263, approving the amendment to the Community Business Zoning Regulations, Option 1 with a density of R12-18 units per acre with the option to permit a developer agreement in the Lakewood Neighborhood Planning Area moved by Council President Norton, seconded by Councilmember Stevens.

Councilmember Stevens stated he was not in support of the motion but thought the 12-27 unit range was worth considering because it allows more flexibility for developers.

Councilmember Condyles spoke in support of the 18-27 density because it allows for more flexibility and still maintains commercial in this zone. He thought that this was the intent of the Planning Commissions from the discussions he had heard.



**AYES:** Norton  
**NOES:** Condyles, James, King, Stevens, Richards  
**Motion Failed.**

**Motion** to adopt Ordinance No. 3263, approving the amendment to the Community Business Zoning Regulations, Option 1 with a density of 12-27 units per acre with the option to permit a developer agreement in the Lakewood Neighborhood Planning Area moved by Council President Norton, seconded by Councilmember Condyles.

**AYES:** ALL

8.) Amendment No. 1 to the Ecology Grant Agreement WQC-2020-MaryPW-00100

Director Laycock explained this is a time extension for the grant agreement.

**Motion** to authorize the Mayor to sign and execute Amendment No. 1 to the Ecology Grant Agreement WQC-2020-MaryPW-00100 Moved by Councilmember Richards, seconded by Councilmember Stevens.

**AYES:** ALL

9.) Interlocal Agreement between Washington State Department of Corrections and the City of Marysville Police Department.

Chief Scairpon reviewed this item related to an Interlocal Agreement with the Department of Corrections to share resources, share information, and conduct joint operations.

**Motion** to authorize the Mayor to sign and execute the Interlocal Agreement Moved by Council President Norton, seconded by Councilmember Richards.

**AYES:** ALL

10.) Stormwater Management Action Plan

Director Laycock reviewed this item. Storm and Sewer Supervisor Matthew Eyer made a presentation regarding the Stormwater Management Action Plan. He discussed basin prioritization, retrofit site selection, source control and dumpster outreach.

**Motion** to approve the Stormwater Management Action Plan moved by Councilmember King, seconded by Councilmember Richards.

**AYES:** ALL

11.) 2023 Hotel/Motel Tourism Grant Funding Recommendations

CAO Hirashima presented the Hotel/Motel Tourism Grant Award funding results from the committee.

**Motion** to approve the Hotel/Motel Tourism Grant Award Funding for 2023 in the amount of \$138,950 moved by Councilmember Condyles, seconded by Councilmember James.

**AYES: ALL**

12.) Professional Services Agreement with Commonstreet Consulting, LLC for the 88th St NE – Phase 1 (State Avenue to 55th Avenue NE)

Asst. Public Works Director Max Phan reviewed this professional agreement with Commonstreet Consulting, LLC for right-of-way services for 88th Street NE - Phase I.

Councilmember Condyles asked how many acquisitions they are anticipating. Mr. Phan said they are anticipating 82 acquisitions.

Councilmember Richards asked if any of the amount would be grant money. Mr. Phan replied that the contract would be paid in part by county funds. There was an interlocal agreement for this corridor. The contract will be paid partially by city funds, but the acquisition will be paid by federal funds with a \$1.8 million grant.

**Motion** to authorize the Mayor to sign and execute the Professional Services Agreement with Commonstreet Consulting, LLC for right-of-way services associated with the 88th St NE – Phase 1 (State Avenue to 55th Avenue NE) Project in the amount of \$1,268,565.00 moved by Councilmember Richards, seconded by Councilmember King.

**AYES: ALL**

13.) An Ordinance of the City Council of the City of Marysville, Washington, Regarding the Legal Operation of Wheeled All-Terrain Vehicles and Reenacting Chapter 11.70 in the Municipal Code

City Attorney Walker explained that the previous ordinance was automatically repealed. Police report there have been no issues. This ordinance is identical to what Council approved last time.

**Motion** to adopt Ordinance No. 3264 moved by Council President Norton, seconded by Councilmember Richards.

**AYES: ALL**

### **Mayor's Business**

Mayor Nehring:

- He was invited to judge the Future Chef event at Marysville-Pilchuck High School last week. They did a marvelous job, and he thoroughly enjoyed it.
- He and several councilmembers and staff were at the drug task force event last week.
- The pursuit bill nearly died last week but the conversation is still going.



- The Blake bill continues to await a vote.
- March 27 meeting will be cancelled due to a conference that the Council will be attending.

### **Staff Business**

None.

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

Councilmember Condyles:

- He attended the drug task force event. It was nice to see common sense solutions provided that had evidence to back them up from other parts of the country.
- On Sunday he attended the 38th District Legislators Town Hall. It was interesting to get perspectives from our legislators on how the session is going. It also gave him a new appreciation for Mayor Nehring's coffee klatches because he is able to do them without screening questions.

Councilmember James:

- He reported on the March 7 Human Services Grant committee meeting where they allocated about \$200,000 to 7 of 14 very worthy recipients in Marysville.
- He also went to the public education seminar on Thursday. It was very impactful.
- He went to the State of Everett. Mayor Franklin did a great job.

Councilmember King:

- He gave an update on the Parks Board meeting he attended last week for Councilmember Richards. Some topics discussed included electric golf courts, an update on Strawberry Fields, the pump track going out to bid this spring, memorial applications, boat launch fees, rates for community center, new playgrounds, and a possible transfer of Twin Lakes Park to Marysville from the County at some point in the future.
- The Human Services Grant Committee reviewed 14 applications and approved 7. \$200,000 was available, and they had over \$500,000 in requests.
- He also gave an update on the Tulalip Tribes' annual General Council meeting.

Councilmember Stevens thanked some of the new residents in the audience for joining them and welcomed them to the community.

Councilmember Richards:

- He asked if they should send the draft sign code to local realtors to get feedback from them.
- He noted that March 13 three years ago is day schools shut down for COVID-19.
- Congratulations to Volunteer of the Month Darrel Jenkins.
- He asked if they are still doing the Pride of the Neighborhood awards. Mayor Nehring said they haven't done it for a while, but could look into it.



- He would like to see the City promote more tree planting.
- Thanks to the citizens in the audience for attending.
- He is looking forward to going to the conference in Washington DC in a couple weeks.

Council President Norton:

- She welcomed Julie and her friend to Marysville and thanked them for their kind words.
- She was pleased to see a coach recognized as the volunteer of the month.
- The drug task force presentation last week was impactful.

### Adjournment

**Motion** to adjourn the meeting at 8:25 p.m. Moved by Councilmember Richards, seconded by Councilmember James.

**AYES: ALL**

The meeting was adjourned at 8:25 p.m.

Approved this 17<sup>th</sup> day of April, 2023.

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Mayor  
Jon Nehring

