

City Council



501 Delta Ave
Marysville, WA 98270

**Work Session
November 6, 2023**

Call to Order

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

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 Kamile Norton

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, City Attorney Jon Walker, Community Development Director Haylie Miller, Finance Director Jennifer Ferrer-Santa Ines, Parks & Recreation Director Tara Mizell, IT Director Stephen Doherty, Information Systems Administrator Chris Brown, Courts Administrator Suzanne Elsner, Judge Lorrie Towers, Principal Planner Angela Gemmer, Judge Fred Gillings, Community Information Officer (CIO) Connie Mennie, Public Works Director Jeff Laycock, Human Resources Director Megan Hodgson, Asst. Police Chief Jim Lawless, Economic Development Manager Tom Boydell

Approval of the Agenda

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

AYES: ALL

Presentations

- A. Proclamation Declaring Nov. 6-10, 2023, as Municipal Court Week in Marysville

PROCLAMATION Municipal Court Week 2023.pdf

Mayor Nehring read the proclamation into the record. He recognized Judge Towers, Judge Gillings, Court Administrator Ellings, and other court staff in attendance.

- B. Proclamation Declaring November 2023 as Military Family Appreciation Month in Marysville

PROCLAMATION Military Family Appreciation Month 2023.pdf

Mayor Nehring read the proclamation into the record. He expressed appreciation for the service and sacrifices of military families.

- C. Proclamation Declaring November 2023 as Native American Heritage Month in Marysville

PROCLAMATION Native American Heritage Month 2023.pdf

Mayor Nehring read the proclamation into the record. He expressed appreciation for the relationship the City has with the Tribes.

Discussion Items

Approval of Minutes

1. October 23, 2023 City Council Meeting Minutes

CC 10232024.docx

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

Review Bids

Public Hearings

4. 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. (Public Hearing and Action to be considered on November 13, 2023)

Regular levy ordinance 2024.docx

Finance Director Ferrer-Santa Ines reviewed this item which would set the property tax levy for 2024. It is not a new tax; it is an annual action for consideration by Council to maintain existing services for the City of Marysville. There will be a zero dollar increase from the previous levy. The public hearing will be held at next week's meeting.

Councilmember Muller asked something (inaudible - no microphone). Director Ferrer-Santa Ines said she could check with the county assessor to see if they could just state that they will levy the same amount which is X.

New Business

5. Discussion: Sign Regulations

1 Memo CC Workshop 11-06-23 (2).pdf

2 Ordinance-Sign Code Amendments-CA22001 3-14 changes (2).pdf

3 PC DRAFT Minutes.pdf

4 PC Recommendation-Temporary Signs-CA22001.pdf

Director Miller discussed this item and responded to previous comments and questions. The purpose of the code change is to address the Supreme Court ruling related to this and would require folks who are placing temporary signs around the city to get permission from the adjacent property owner. Community Development staff has worked out a system using stickers to allow the sign owner to show they have permission from property owners to place signs.

Councilmember James commended Director Miller's and staff's work on this. He asked about the process that would be required for someone who wanted to place signs. Director Miller explained it would be a form online where the sign owner would list

addresses where they have permission to place the signs. Councilmember James referred to page 2 of the memo and asked if illuminated signs would be allowed. Director Miller said she would propose that they would not be allowed because it could be a distraction. Councilmember James recommended specifying that the height would be measured from the ground "directly below the sign". He asked about the total sign size which is not to exceed 32 square feet and asked if it was 32 square feet per sign or per property. Director Miller replied it would be limited to 32 square feet per sign but there is not a limit on the number of signs per site. Planning Manager Chris Holland stated they would be required to obtain a temporary use sign permit, and agreed that there isn't a limit on the number of signs. Councilmember James commented that "banners" needs to be better defined. Director Miller said she could look at that closer. Councilmember James asked if these regulations apply to both private property and the right-of-way. Director Miller replied that they would apply to both.

Councilmember King asked about the estimated turnaround time for permit applications. Director Miller thought it would be over the counter or within 24-48 hours if there are a lot.

Councilmember Condyles asked about off-premises business signs. Director Miller thought it was mainly for corrugated plastic signs that litter the city. Off-site commercial signs are not allowed. Sandwich boards in front of business are still allowed.

Councilmember Richards asked about real estate signs placed several blocks away from the home for sale. Director Miller replied they would not be allowed. Councilmember Richards recommended letting real estate offices know.

Councilmember James asked if real estate offices can put their sign with permission in right-of-way. Director Miller replied that off-site commercial advertising would not be allowed at all.

Councilmember Condyles thought it probably wouldn't impact real estate offices as much as they think it will since open houses are typically on weekends or just one or two days during the week. It might encourage them to clean up signs quicker.

Director Miller replied she would bring an ordinance back to the next meeting.

6. Discussion: 2024 Comprehensive Plan Growth Scenarios

2024 Comp. Plan Update - Growth Alternatives to be Evaluated

Director Miller stated staff has narrowed down three different scenarios to research. Water and Sewer Comprehensive Plans are being worked on right now as well as the Transportation Element and Land Use Element. There are a substantial number of grants that have been awarded to the City. They would like to proceed with planning for growth. The three alternatives staff is looking at are baseline (no changes to current zoning); additional units downtown above the baseline; and densifying along State Avenue and providing for House Bill 1110.

Council President Norton asked when staff would have it ready for the Council to consider. Director Miller thought it would be the end of the first quarter next year.

7. Discussion: Fence Regulations

Exhibit 1 Fence Code.pdf

Director Miller explained staff is recommending adopting standards for fence conditions as contained in Exhibit 1, having staff work toward voluntary compliance in 2024 in certain areas, and revisiting this issue in mid to late 2024.

Councilmember Muller asked something (inaudible - no microphone). Director Miller thought it would fall on the property owner but they would try to educate the tenant on the code.

Councilmember King recommended bringing this up at neighborhood meetings. Director Miller agreed and noted they would have a lot of time to do social media outreach.

Councilmember Stevens asked if this would apply to any fence, even between two property owners. Director Miller affirmed that it would apply to all fences citywide.

8. 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 the 2023-2024 Biennial Budget amendments based on new information that was not available at the time of adoption of the budget.

Councilmember King asked about the duties of police corporals. Asst. Chief Lawless explained they would fill in for the sergeant if needed.

Council President Norton asked for clarification about the \$600,000 to establish the balance. Director Ferrer-Santa Ines explained they are just building up to the 16-week reserve.

9. An Ordinance amending the Light Industrial design standards.

Ordinance Light Industrial design minor amendment.

PC Minutes - 7.25.23 and 9.26.23

Principal Planner Gemmer explained this would clarify where the Light Industrial Design Standards would apply. It would also create a link to a high resolution version of the map to be able to easily pinpoint properties.

10. An Ordinance approving the Mavis-Undi Rezone.

Staff Recommendation Mavis-Undi Rezone

Ordinance Mavis-Undi Rezone

PC Minutes - 4.25.23, 5.23.23 and 10.10.23

Supplemental materials submitted by applicant at hearing

Councilmember Condyles recused himself from this item and item 11 because his employer is the applicant.

Principal Planner Gemmer reviewed this item related to a NON-PROJECT action Comprehensive Plan Map Amendment and Rezone of approximately 2.64 acres from R-12 Multifamily, Low Density (R-12).

Staff has recommended denial of the proposal because this was an intentional decision by staff to establish a multifamily zone there. She reviewed rezone criteria that must apply if it is to be approved and explained staff does not believe it meets the criteria.

Councilmember King asked if they could put conditions on what the uses would be there is they approved it. Ms. Gemmer explained that could be a possibility, but staff still feels that a rezone request from R-12 to GC would be a better option without requiring a concurrent Comp Plan map amendment since the area is under ten acres.

Councilmember Richards asked if this property is preventing the property to the north from developing. Ms. Gemmer explained this opens up some access potential for the property. Councilmember Richards commented that this piece would make the other property easier to get in and out of. Ms. Gemmer concurred. She noted that staff feels commercial is appropriate but there are concerns about what might go there.

Councilmember Muller spoke in support of a developer agreement that would limit the uses.

Councilmember James also thought that it makes sense to be able to control what goes on there.

Councilmember Stevens said he was in favor of the developer agreement. He expressed concerns about having the R-12 directly abutting the commercial without the built-in buffer. The developer agreement would allow them to define that a little better.

Council President Norton asked if it would be possible to draft an agreement that would minimize the risks to the city while still having a lot of unknowns about what would be going in there. Ms. Gemmer thought it would be possible. She indicated the applicant had repeatedly indicated at the Planning Commission hearing that they would be amenable to that.

11. 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 NON-PROJECT action Comprehensive Plan Map Amendment and Concurrent Rezone of approximately 48.01 acres from Light Industrial (LI) to Multi-family, Medium Density (R-18) in the Cascade Industrial Center. She reviewed staff's recommendation for denial and the Planning Commission's support of that recommendation in order to maintain the Cascade Industrial Center zoning. She explained that the housing numbers really affected staff's recommendation. The proposed NON-PROJECT action rezone is not consistent with all of the pertinent development goals and policies outlined in the Marysville Comprehensive Plan pertaining to multi-family residential. The proposed NON-PROJECT action rezone complies with two of the four rezone criteria and pertinent development standards outlined in Title 22 MMC, Unified Development Code.

Councilmember Richards expressed concern that last year they were rezoning this from a residential zone to put it in the CIC and now they want to go back to residential for part of it. He also asked about the UGA section they are trying to change. Director Miller explained it was separate, but it is related because it would be adding area to the CIC and could potentially offset the loss to the CIC. However, it is a county-led process, and the county staff is not in favor of it.

Councilmember Muller referred to the Planning Commission comments by Commissioner Andes and asked a question (inaudible - microphone issues). Director Miller replied that she wasn't sure that was what the applicant wanted.

Councilmember James asked about the number of units. Director Miller replied that they could put 768 units there. Councilmember James asked about the level of housing. Director Miller explained the applicant had mentioned workforce housing several times. Councilmember James asked if there are any concerns about a high-density apartment building in this area. Director Miller said she has heard comments on both sides of the issue. Councilmember James asked if the traffic situation could be mitigated. Director Miller thought that it could. To staff, the biggest issue is if they want Cascade Industrial land to be converted to multifamily. Councilmember James asked if approving this could

impact the CIC designation. Director Miller replied that it would not. Councilmember James asked if there has been any inquiries into this site by light industrial businesses. Director Miller replied that to the applicant it must not be, but 95% of the CIC general in area has been claimed.

Councilmember Stevens asked if there was something in the applicant's process that proved that light industrial wouldn't work here. Director Miller said she had not seen anything. In fact, Cascade Industrial Center has been wildly popular in the last few years. Councilmember Stevens asked about proposed Community Transit routes in this area. Director Miller explained that Community Transit is considering three options. All three options would result in a bus line going up 51st.

Council President Norton asked how many units are in the process of being built in the Lakewood area. Director Miller replied that 2,000 units are in the works right now. Council President Norton commented that they have heard many times that developers needed this area for homes. Thankfully, the Council held firm to its goal of gaining the CIC. She urged caution in losing any of this land they had set aside for light industrial because once it is gone they can't get it back. There are a lot of places in the city where they can build residential, but not a lot of places in the city where they can zone for light industrial. Director Miller concurred. There are not a lot of areas to grow the CIC.

Mayor Nehring agreed that the CIC was extremely difficult to get through. It is difficult to envision giving any of it away. It has exploded faster than any of them imagined it would. He agreed with Council President Norton's comments.

Councilmember James brought up the UGA expansion and said he had heard that Marysville is taking a neutral stance on this with the county. He thought if they have a desire to expand the UGA, they should let the County know. Director Miller explained they are neutral. The potential UGA expansion site is located in an Arlington Water District area and is adjacent to low density residential housing in Arlington with extensive critical areas on the site. She stated that there is sufficient capacity in the CIC, but staff can revisit this internally.

Councilmember Stevens referred to housing in Lakewood and commented that as the CIC develops it would be good to help direct conversations with Community Transit to serve the job centers.

12. [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 proposed amendments to the Downtown Master Plan and the associated code.

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

SCORE ILA for Inmate Housing.pdf

Asst. Chief Lawless reviewed this item related to contracted jail service for SCORE.

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

Everett Animal Shelter Interlocal 2023.pdf

Asst. Chief Lawless explained this is an annual renewal that provides for services with Everett Animal Shelter.

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

Supplemental_Agreement_No._2_-_Little_League_-_Cedar_Field.pdf

Director Mizell explained this is for an annual renewal with Little League.

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

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

Principal Planner Gemmer reviewed this item related to the grant award from the Department of Commerce.

17. Waste Management Industrial Service Agreement

WM Industrial_Service_Agreement.pdf

Director Laycock reviewed the agreement with Waste Management to take care of the disposal of wastewater screening and grit waste.

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

2023-1002 Ord 23-088.pdf

Director Laycock reviewed this agreement with Snohomish County.

19. 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

Director Laycock explained this is the consultant selected for the Mother Nature's Window project.

20. 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

Director Ferrer-Santa Ines reviewed the staff proposal to use funds from opioid settlements to offset jail medical costs and/or enhance the Embedded Social Worker (ESW) program.

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

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

Director Mizell reviewed this item related to an inclusive playground at Jennings Park.

22. 2024 LifeWise Assurance Company Stop Loss Insurance (Action requested November 6, 2023)

R0124 - Stop Loss Rate Exhibit v3 - City of Marysville FIRM.pdf

Director Hodgson reviewed this request to proceed with authorization to extend stop loss coverage. The carrier is requesting the documents back as soon as possible, so staff is asking for action this evening.

Motion to waive normal rules to take action on this item moved by Councilmember Richards seconded by Councilmember James.

AYES: ALL

Motion to authorize the Mayor to sign and execute the LifeWise Assurance Company services renewal moved by Councilmember Richards seconded by Councilmember Stevens.

AYES: ALL

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

PSA RH2 - SSCP - Remainder of Work FINAL.pdf

Director Laycock reviewed the PSA with RH2 Engineering related to the Sewer Comprehensive Plan Update.

Legal

Mayor's Business

24. 2024 State and Federal Legislative Priorities

Combined Packet2024_StateAndFederal.pdf

Mayor Nehring presented the proposed packet of legislative priorities for the Council to review.

Mayor Nehring:

- Thanks to everyone involved in the pump track project. There was a nice ribbon cutting last Monday. It will be a nice asset for the community.
- He enjoyed attending the Keep Dreams Alive event at the community center.
- He also appreciated attending the Hispanic Heritage event.

Staff Business

Director Mizell stated that Golf had a goal of 1.5 million for this year. Last Saturday they achieved 1.8 million with two months to go.

City Attorney Walker stated the need for an Executive Session to address three items - one regarding the lease of property, one regarding potential litigation, and one regarding collective bargaining negotiations with no action expected for a total time of 20 minutes.

Call on Councilmembers and Committee Reports

Councilmember James:

- The pump track is a great asset to the community.
- Halloween was a lot of fun.
- Does the City help people that get tagged on their wood fences? He saw some on 67th. Mayor Nehring replied that they work with the property owners to get it taken care of.

Councilmember King:

- Congratulations to Judge Gillings and his staff for the work they do.
- The pump track ribbon cutting was a lot of fun.
- He reported on the recent Public Works Committee meeting and the Government Affairs Committee meeting.
- Last Wednesday, the barrels for the toy and food drive went out around the town for the holidays.
- The Halloween Party put on by the City was great.

Councilmember Stevens:

- He also noticed the graffiti.
- He reported on the Economic Development Committee meeting. He is glad to get it started up again. They got updates on the River Walk, the Economic Development element of the Comp Plan, and business outreach efforts.

Councilmember Richards said he won't be able to make the Parks meeting on Wednesday.

Council President Norton:

- She agreed that the pump track was a big success.
- She wished all the veterans a Happy Veterans Day later this week.

Adjournment/Recess

Council went into recess from 9:23 to 9:28 p.m.

Executive Session

Executive Session was held from 9:29 to 9:49 with no action taken.

Reconvene

The meeting reconvened at 9:49 p.m.

Adjournment

Motion to adjourn at 9:49 p.m. moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

Approved this 28th day of November, 2023.

Mayor
Jon Nehring

