

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
Excuse the absence of Councilmember Stevens	Approved
<b>Approval of the Agenda</b>	Approved
<b>Committee Reports</b>	
<b>Presentations</b>	
Employee Service Awards	None
Volunteer of the Month - Dawn Hackett	Presented
<b>Audience Participation</b>	
<b>Approval of Minutes</b>	
Consider the February 27, 2017 City Council Meeting Minutes	Approved
<b>Consent Agenda</b>	
Consider Approval of the March 1, 2017 Claims in the Amount of \$504,214.17; Paid by EFT Transactions and Check Numbers 114955 through 115098 with No Check Numbers Voided	Approved
Consider Approval of the March 8, 2017 Claims in the Amount of \$1,182,093.70; Paid by EFT Transactions and Check Numbers 115099 through 115315 with Check Numbers 114661, 114810 and 114995 Voided	Approved
Consider Approval of the March 15, 2017 Claims in the Amount of \$1,959,965.79; Paid by EFT Transactions and Check Numbers 115316 through 115505 with No Check Numbers Voided	Approved
Consider Approval of the March 3, 2017 Payroll in the Amount of \$1,736,424.22; Paid by EFT Transactions and Check Numbers 30597 through 30630	Approved
Consider Approval of the March 20, 2017 Payroll in the Amount of \$1,174,254.62; Paid by EFT Transactions and Check Numbers 30631 through 30659	Approved
<b>Review Bids</b>	
<b>Public Hearings</b>	
Consider Approval of the Program Year 2017 Annual Action Plan and Citizen Participation Plan Amendment, as Recommended by the Citizen Advisory Committee on March 7, 2017, Provide a Summary of, and Response to any Comments Received during the Public Hearing into the Program Year 2017 Annual Action Plan, and Direct Staff to Forward Program Year 2017 Annual Action Plan to the U.S. Department of Housing and Urban Development	Held/Approved
<b>New Business</b>	
Consider the Supplemental Agreement No. 2 to the City's Professional Services Agreement with KPG, Inc. for the Highway Safety Improvement Program (HSIP) Projects in the Amount of \$15,758.94	Approved
Consider the Community Beautification Program Grant Review Committee's Recommendation on Award Funding	Approved
Consider the Declaration of Protective Covenants, Conditions and Restrictions for Parcel 300521-002-024-00 as Requested by Snohomish County	Approved

Consider the Professional Services Agreement with Andes Land Surveying P.S. for the 23 <sup>rd</sup> and 169 <sup>th</sup> Place NE Connector Project	Approved
Consider an <b>Ordinance</b> of the City Council of the City of Marysville, Washington, Dedicating Right-Of-Way for Public Use.	Approved Ord. No. 3051
Consider an <b>Ordinance</b> Amending the City’s Comprehensive Plan by Adopting an Update to the Capital Facilities Plan	Approved Ord. No. 3052
Consider an <b>Ordinance</b> Updating the City’s Development Regulations and Amending Sections 22A.020.050, 22A.020.070, 22A.020.200, 22C.010.060, 22C.010.070, 22C.010.090, 22C.010.210, 22C.010.220, 22C.020.060, 22C.020.070, 22C.020.190, 22C.130.030, 22C.160.080, 22G.080.100, and 22A.010.160 of the Marysville Municipal Code	Continued
Consider an <b>Ordinance</b> Guiding Development in the Lakewood Neighborhood by Amending the City Comprehensive Plan to Adopt the Lakewood Neighborhood Master Plan and Amending the City’s Land Use Regulations to Adopt Marysville Municipal Code Chapter 22C.065, Lakewood Neighborhood Master Plan Area – Design Requirements	Approved Ord. No. 3053
A <b>Resolution</b> of the City of Marysville, Washington Supporting the “CERB” Planning Grant Application to the Washington State Department of Commerce; to Develop a Plan for the Arlington Marysville Manufacturing and Industrial Center	Approved Ord. no. 2411
<b>Legal</b>	
<b>Mayor’s Business</b>	
<b>Staff Business</b>	
<b>Call on Councilmembers</b>	
<b>Adjournment</b>	8:25 p.m.
Executive Session	8:30 p.m.
Real Estate – three items (action expected on two)	Action taken
Personnel – one item	
Adjournment	8:45 p.m.

**Regular Meeting**  
*March 27, 2017*

**Call to Order / Pledge of Allegiance**

Mayor Nehring called the meeting to order at 7:00 p.m. Pastor Steve Swanson, Vital Signs Ministry gave the invocation, and Mayor Nehring led those present in the Pledge of Allegiance.

**Roll Call**

Chief Administrative Officer Hirashima gave the roll call. The following staff and councilmembers were in attendance.

**Mayor:** Jon Nehring

**Council:** Steve Muller, Kamille Norton, Jeff Seibert, Rob Toyer, Jeff Vaughan, and Donna Wright

**Absent:** Michael Stevens

**Also Present:** Chief Administrative Officer Gloria Hirashima, Finance Director Sandy Langdon, Police Chief Rick Smith, City Attorney Jon Walker, Public Works Director Kevin Nielsen, Parks and Recreation Director Jim Ballew, Community Development Director Dave Koenig, Fire Chief Martin McFalls, Associate Planner Amy Hess, Senior Planner Angela Gemmer and Recording Secretary Laurie Hugdahl.

Mayor Nehring commented that Councilmember Stevens had requested an excused absence.

**Motion** made by Councilmember Toyer, seconded by Councilmember Muller, to excuse Councilmember Stevens. **Motion** passed unanimously (6-0).

**Approval of the Agenda**

**Motion** made by Councilmember Norton, seconded by Councilmember Toyer, to approve the agenda as presented. **Motion** passed unanimously (6-0).

**Committee Reports**

None

**Presentations**

A. Employee Services Awards

None

B. Volunteer of the Month

Dawn Hackett was recognized for her volunteer work in the community, especially as a volunteer dispatcher for the American Cancer Society and other activities related to the American Cancer Society on behalf of cancer patients.

**Audience Participation**

Patricia Kaiser, 2910 – 73<sup>rd</sup> Avenue NE, Marysville, WA referred to New Business Item 14 and stated that the three amendments which would be mentioned by her husband should not be deleted. She discussed concerns related to those proposed amendments.

Evan Kaiser, 2910 – 73<sup>rd</sup> Avenue NE, Marysville, WA referred to New Business Item 14 and requested that that the Council not adopt Code Amendments 22A.020.200, 22C.010.210, and 22C.010.220. He referred to the signatures of 101 residents who agreed with his recommendation. He expressed concern about the format of the public comments portion of the meeting and the lack of opportunity for discussion or clarification of his comments.

Mayor Nehring explained that this portion of the agenda is designed to get public input on particular items before the City Council. They are then able to discuss among themselves how they want to vote. If Council members have any particular questions they are free to ask those. Mr. Kaiser commented that he had not received responses to many of the materials he had sent in. He expressed concern about his inability to correct incorrect comments made on March 6. Mayor Nehring expressed appreciation for the work that Mr. Kaiser had done and the comments that he has provided.

Craig Wells, 1048 State Avenue, Marysville, WA 98270 requested clarification on trespass orders. He thanked the Council for running a great city, but discussed issues with numerous trespass orders he has had at his property. He distributed copies of the orders over the last year to the Council. He expressed frustration that the orders haven't been taken seriously. Deputy Chief Goldman offered to meet Mr. Wells privately to discuss the matter. Mayor Nehring thanked Mr. Wells for his comments and for taking the time to do the trespass orders.

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

1. Consider the February 27, 2017 City Council Meeting Minutes

**Motion** made by Councilmember Vaughan, seconded by Councilmember Muller, to approve the February 27, 2017 City Council Meeting Minutes. **Motion** passed unanimously (6-0).

## Consent

2. Consider Approval of the March 1, 2017 Claims in the Amount of \$504,214.17; Paid by EFT Transactions and Check Numbers 114955 through 115098 with No Check Numbers Voided
3. Consider Approval of the March 8, 2017 Claims in the Amount of \$1,182,093.70; Paid by EFT Transactions and Check Numbers 115099 through 115315 with Check Numbers 114661, 114810 and 114995 Voided
4. Consider Approval of the March 15, 2017 Claims in the Amount of \$1,959,965.79; Paid by EFT Transactions and Check Numbers 115316 through 115505 with No Check Numbers Voided
5. Consider Approval of the March 3, 2017 Payroll in the Amount of \$1,736,424.22; Paid by EFT Transactions and Check Numbers 30597 through 30630
6. Consider Approval of the March 20, 2017 Payroll in the Amount of \$1,174,254.62; Paid by EFT Transactions and Check Numbers 30631 through 30659

**Motion** made by Councilmember Toyer, seconded by Councilmember Wright, to approve Consent Agenda items 2, 3, 4, 5, and 6. **Motion** passed unanimously (6-0).

## Review Bids

## Public Hearings

7. Consider Approval of the Program Year 2017 Annual Action Plan and Citizen Participation Plan Amendment, as Recommended by the Citizen Advisory Committee on March 7, 2017, Provide a Summary of, and Response to any Comments Received during the Public Hearing into the Program Year 2017 Annual Action Plan, and Direct Staff to Forward Program Year 2017 Annual Action Plan to the U.S. Department of Housing and Urban Development

Amy Hess, Associate Planner, presented the Annual Action Plan for Program Year 2017 and the amendment to the Citizen Participation Plan.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve the Program Year 2017 Annual Action Plan and Citizen Participation Plan Amendment, as Recommended by the Citizen Advisory Committee on March 7, 2017, Provide a Summary of, and Response to any Comments Received during the Public

Hearing into the Program Year 2017 Annual Action Plan, and Direct Staff to Forward Program Year 2017 Annual Action Plan to the U.S. Department of Housing and Urban Development. **Motion** passed unanimously (6-0).

**New Business**

8. Consider the Supplemental Agreement No. 2 to the City's Professional Services Agreement with KPG, Inc. for the Highway Safety Improvement Program (HSIP) Projects in the Amount of \$15,758.94

Director Nielsen explained that this relates to right of way for signal improvements at 80<sup>th</sup>.

**Motion** made by Councilmember Muller, seconded by Councilmember Norton, to authorize the Mayor to sign the Supplemental Agreement No. 2 to the City's Professional Services Agreement with KPG, Inc. for the Highway Safety Improvement Program (HSIP) Projects in the Amount of \$15,758.94. **Motion** passed unanimously (6-0).

9. Consider the Community Beautification Program Grant Review Committee's Recommendation on Award Funding

CAO Hirashima explained that the committee reviewed the grant applications. They received a number of applications from a variety of neighborhoods throughout the city. The projects ranged from landscaping projects to storm water detention pond cleanups and fencing around neighborhood parks. A total of \$25,375 would be awarded in this round.

Council President Norton asked why the amount of awards was less than the amount available. CAO Hirashima explained that it related to the committee's review of the application as well as the number of applications.

**Motion** made by Councilmember Norton, seconded by Councilmember Toyer, to approve the Community Beautification Program Grant Review Committee's Recommendation on Award Funding. **Motion** passed unanimously (6-0).

10. Consider the Declaration of Protective Covenants, Conditions and Restrictions for Parcel 300521-002-024-00 as Requested by Snohomish County

Director Nielsen explained that this relates to work done by Snohomish County at 51<sup>st</sup> and 122<sup>nd</sup>.

**Motion** made by Councilmember Vaughan, seconded by Councilmember Wright, to authorize the Mayor to sign the Declaration of Protective Covenants, Conditions and Restrictions for Parcel 300521-002-024-00 as Requested by Snohomish County. **Motion** passed unanimously (6-0).

11. Consider the Professional Services Agreement with Andes Land Surveying P.S. for the 23<sup>rd</sup> and 169<sup>th</sup> Place NE Connector Project

Director Nielsen explained that this relates to the design and construction from 169<sup>th</sup> to 23<sup>rd</sup>.

**Motion** made by Councilmember Norton, seconded by Councilmember Muller, to authorize the Mayor to sign the Professional Services Agreement with Andes Land Surveying P.S. for the 23<sup>rd</sup> and 169<sup>th</sup> Place NE Connector Project. **Motion** passed unanimously (6-0).

12. Consider an **Ordinance** of the City Council of the City of Marysville, Washington, Dedicating Right-Of-Way for Public Use.

City Attorney Walker explained that this would dedicate certain tracts to right of way as opposed to park land at Mother Nature's Window.

**Motion** made by Councilmember Muller, seconded by Councilmember Norton, to approve Ordinance No. 3051. **Motion** passed unanimously (6-0).

13. Consider an **Ordinance** Amending the City's Comprehensive Plan by Adopting an Update to the Capital Facilities Plan

Director Koenig reviewed this item. He explained that the Planning Commission had reviewed and recommended approval of this.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Ordinance No. 3052. **Motion** passed unanimously (6-0).

14. Consider an **Ordinance** Updating the City's Development Regulations and Amending Sections 22A.020.050, 22A.020.070, 22A.020.200, 22C.010.060, 22C.010.070, 22C.010.090, 22C.010.210, 22C.010.220, 22C.020.060, 22C.020.070, 22C.020.190, 22C.130.030, 22C.160.080, 22G.080.100, and 22A.010.160 of the Marysville Municipal Code

Senior Planner Angela Gemmer commented that at the prior City Council meeting there were some concerns raised regarding the height allowance for the proposed flagpole amendments. She explained how the height allowance is to be interpreted. In the single family residential zones which allow a 30' height on the home, the proposed ordinance would allow a 40' height on flagpoles. The code generally allows for 5' above the height of the structure or 10' above the base height limit, whichever is greater. Another concern raised was about setbacks. She explained that in nearly every zone there is a utility easement along the front of the property line. A greater setback than that is already required would potentially preclude the display of a flag in the front yard which is the customary location for a flag. The side and rear setbacks would be status quo under the proposed amendments. The front yard setback would be comparable and would typically allow relaxation to 10 feet for residential accessory structures. Regarding the

content of flags, she stated that it is not the City's intent to regulate the content of flags. Another concern raised was with respect to omitting the structural clause out of the sign code. She explained that the sign code is not the appropriate place to regulate flags, but the International Building Code and International Residential Code requirements would dictate the requirement to obtain a structural analysis. She explained that these proposed amendments went through the Planning Commission and were recommended for approval.

Councilmember Seibert expressed concern about someone living in a single family house with a multifamily residence next door and asked how tall the flagpole would be allowed to be. He also asked what would happen if someone didn't obtain a permit for the flagpole. Senior Planner Gemmer explained that staff would contact the individual and have them go through the permitting process after the fact and work with them to have it meet code.

Councilmember Muller commented that flags on 40-45' poles would potentially be nuisances due to their size. Those would be commercial sized flags in residential neighborhoods. He recommended a 25' height limit on smaller lots with a maximum 35' flagpole. He recommended scaling back the heights which would automatically restrict the size of the flags.

Councilmember Vaughan asked if the Planning Commission considered information as presented by Councilmember Muller. Senior Planner Gemmer replied that they considered that information as well as information presented by Mr. Kaiser.

Councilmember Norton asked why the Planning Commission had decided to go with the recommendation that they did. Senior Planner Gemmer explained that historically the City has not received any complaints on flags or flagpoles. In terms of the height there are a number of plats with substantial topography, especially in the Sunnyside Area and Getchell Hill. The recommendation would take into account unique circumstances with respect to topography other structures. She explained that the proposed code would account for the wide variety of conditions on neighboring properties. Additionally, on multifamily zones there would be higher structures so the height would be relatively proportionate.

Councilmember Toyer agreed with Councilmember Muller's comments that 40-45' would be too high.

There was consensus to table this until the next work session to better address the Council's concerns related to height.

15. Consider an **Ordinance** Guiding Development in the Lakewood Neighborhood by Amending the City Comprehensive Plan to Adopt the Lakewood Neighborhood Master Plan and Amending the City's Land Use Regulations to Adopt Marysville Municipal Code Chapter 22C.065, Lakewood Neighborhood Master Plan Area – Design Requirements



Planning Manager Chris Holland generally reviewed this item and explained that the Planning Commission is recommending adoption of the Plan and Regulations.

**Motion** made by Councilmember Norton, seconded by Councilmember Muller, to approve Ordinance No. 3053. **Motion** passed unanimously (6-0).

16. A **Resolution** of the City of Marysville, Washington Supporting the “CERB” Planning Grant Application to the Washington State Department of Commerce; to Develop a Plan for the Arlington Marysville Manufacturing and Industrial Center

Director Koenig reviewed this item.

**Motion** made by Councilmember Wright, seconded by Councilmember Vaughan, to approve Resolution No. 2411. **Motion** passed unanimously (6-0).

## Legal

## Mayor’s Business

Mayor Nehring had the following comments:

- There was nice ceremony for the opening of Little League season on Saturday.
- He gave an update on the RFA Planning Committee. There was a meeting on Thursday night where some good questions were raised, and it was decided to have each body caucus until May.

## Staff Business

Deputy Chief Goldman commented that last week they finished up the Citizens Academy. Everybody seemed to have a great time and learned a lot. He thanked everyone in the police department for making that successful.

Sandy Langdon had no comments.

Jon Walker stated the need for three Executive Session items and one Closed Session item which would be addressed together. Two of the items related to purchasing real estate, one item pertained to leasing real estate, and one item related to collective bargaining negotiations. Action was expected on one item related to leasing real estate. He estimated that the four items would take 15 minutes.

Dave Koenig had no comments.

Jeff Cole had no comments.

Jim Ballew:

- The recreation guide went out last week and the office has been slammed with registrations. The online registration system is going well.
- Trail opening on April 22 at 10:00.

Kevin Nielsen:

- 3<sup>rd</sup> Street is mostly paved, but they still need to do the northbound lanes. Portions in front of businesses will be done at night so as to not impact business.
- Staff is chasing potholes around the City.
- Clean Sweep on May 13. Public Works will be open and people will be invited to bring their trash there.
- He commended the police on their quick response to an issue in the SODA district downtown.

Gloria Hirashima:

- Congrats to staff for their work on the Lakewood Plan. Finishing this is a great accomplishment.
- 3<sup>rd</sup> Street looks terrific.
- She spoke to the Institute for a Democratic Future through the school district regarding the Growth Management Act and Urban Growth Boundaries. She reflected on how far the city has come on the Growth Management Act

## **Call on Councilmembers**

Jeff Vaughan:

- He expressed appreciation for the quick action on the potholes.
- The trip to Washington DC was a good and productive one.
- He and Council President Norton had a meeting at the Executive Office Building next to the White House with a representative of the Trump Administration where some of the City's projects and priorities were pitched. He commented that there is a willingness with this administration to hear directly from cities and not just through representatives. He commented that there was some indication that they might be able to help the City talk to federal officials about some of the transportation projects. There was also some discussion about potential funding for public safety for the jail.

Donna Wright stated she has heard several comments about how much attendees to the Citizens Academy have enjoyed it.

Jeff Seibert:

- Washington DC was good, but cold.
- He asked if there is a restriction about how many dwellings can be serviced from a private road. Planning Manager Holland explained that it could be 4 lots or 8 dwelling units. Councilmember Seibert asked if a private road be extended to another development as a public road. Planning Manager Holland said that generally it is not allowed. Councilmember Seibert discussed a concern about a

new development in the Soper Hill area. Director Koenig indicated staff would look into it.

- He asked about billboards; he was under the impression that they were no longer allowed. Director Koenig explained that the one that was just put up is on Stillaguamish Tribe Trust Land so the City has no regulation ability on the property.

Rob Toyer had no comments.

Steve Muller:

- He also heard great comments about the Citizens Academy.
- Marysville has come a long way since 1990. He commended everyone for the hard work.

Kamille Norton:

- Thanks to staff for the work in setting up the trip to Washington D.C.
- She appreciated meeting with the representative with the Office of Intergovernmental Affairs. She is looking forward to continuing to nurture and develop that relationship.
- The Red Hot Jazz event at the Opera House went well. She heard many great comments about the facility and staff there.

Council recessed at 8:25 p.m. for five minutes and reconvened at 8:30 in Executive Session and Closed Session for 15 minutes to discuss four items - two items relating to purchasing real estate, one item pertaining to leasing real estate, and one item relating to collective bargaining negotiations. Action was expected on one item related to leasing real estate. The four items were expected to take 15 minutes.

## Executive Session

- A. Litigation
- B. Personnel – one item, RCW 42.30.140 (4)(a)
- C. Real Estate – three items, RCW 42.30.110(1)(b) and RCW 42.30.110(1)(c)

Executive session ended and public meeting reconvened at 8:45 p.m.

**Motion** made by Councilmember Seibert, seconded by Councilmember Wright, to authorize the Mayor to sign the first amendment to lease between City and WIRB, Inc. **Motion** passed unanimously (6-0).

**Motion** made by Councilmember Muller, seconded by Councilmember Wright, to authorize the Mayor to sign the purchase and sale contract on 1510 1<sup>st</sup> Street as presented to Council. **Motion** passed unanimously (6-0).

*DRAFT*

**Adjournment**

Seeing no further business Mayor Nehring adjourned the meeting at 8:45 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

\_\_\_\_\_  
April O'Brien  
Deputy City Clerk