

City Council



**1049 State Avenue
Marysville, WA 98270**

**Regular Meeting
January 10, 2022**

Call to Order

Mayor Nehring called the hybrid meeting of the January 10, 2022 Marysville City Council to order at 7:00 p.m.

Invocation

Chaplain Dan Hazen gave the invocation.

Pledge of Allegiance

Mayor Nehring led the Pledge of Allegiance.

Roll Call

Present:

Mayor: Jon Nehring

Council: Councilmember Jeff Vaughan, Councilmember Tom King, Councilmember Mark James, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steven Muller, Council President Kamille Norton

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Finance Director Sandy Langdon, Information Services Director Worth Norton, Community Development Director Haylie Miller, Police Chief Erik Scairpon, Parks Director Tara Mizell, Fire Chief Martin McFalls, Director of Engineering and Transportation Jeff Laycock, Communications Manager Connie Mennie, Deputy City Attorney Burton Eggertsen, Systems Analyst Mike Davis, Courts Administrator Suzanne Elsner, Police Officer Darbi Boggs, Sgt. James Tolbert, Deputy City Clerk Genevieve Geddis

Approval of the Agenda

Motion to approve the agenda moved by Councilmember Muller seconded by Council President Norton.

AYES: ALL

Presentations

A. Officer Swearing In

Officer Darbi Boggs was sworn in.

Audience Participation

Dylan Sluder, Snohomish County Manager, Master Builders, spoke regarding the ADU ordinance. He thanked staff for the inclusion of the some size flexibility to increase the opportunity for ADUs in Marysville. He discussed the benefits of ADUs. He spoke against owner occupancy requirements.

David Kronbach, 6408 72nd Drive NE, Marysville, spoke regarding the proposed increase in ADU size from 35 to 50% of the current house size. He doesn't think this adequately takes into consideration the size of the existing house when the existing house is small. He recommended the addition of a 1000 square foot limit to the proposal. He also spoke against the owner occupancy requirement.

Scott Allen, 3912 Sunnyside Blvd., Marysville, agreed that owners of ADUs should live on the property. He discussed issues with a property next door to him.

Chris Davis, 4729 22nd Place NE, spoke in favor of the ADUs.

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

1. Approval of the November 22, 2021 City Council Meeting Minutes

Motion to approve the November 22, 2021 City Council Meeting Minutes moved by Councilmember James seconded by Councilmember Richards.

AYES: ALL

2. Approval of the December 3, 2021 City Council Retreat Minutes

Motion to approve the December 3, 2021 City Council Retreat Minutes moved by Councilmember Stevens seconded by Council President Norton.

AYES: ALL

3. Approval of the December 6, 2021 City Council Work Session Minutes

Motion to approve the December 6, 2021 City Council Work Session Minutes moved by Councilmember Muller seconded by Councilmember King.

AYES: ALL

4. Approval of the December 20, 2021 City Council Special Meeting Minutes

Motion to approve the December 20, 2021 City Council Special Meeting Minutes moved by Councilmember King seconded by Council President Norton.

VOTE: Motion carried 4 - 0

AYES: Councilmember King, Councilmember James, Councilmember Richards, Council President Norton

ABSTAIN: Councilmember Vaughan, Councilmember Stevens, Councilmember Muller

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
17. Approval of the December 23, 2021 Payroll in the Amount of \$1,932,918.79 paid by EFT Transactions and Check Numbers 33746 through 33766
18. Approval of the December 29, 2021 Claims in the Amount of \$1,595,453.94 paid by EFT Transactions and Check Numbers 152418 through 152555 with Check Number 152151 Voided
7. Consider Approving the Termination from Voluntary Cleanup Program Agreement with the Department of Ecology for the Interfor Pacific Site at 60 State Avenue
8. Consider Approving the Memorandum of Understanding with Medical Care Organization
9. Consider Approving the Mental Health Alternatives Program (MAP) Court – Bridgeways Agreement

Councilmember King indicated he would be abstaining on item 10 because he serves on the Hotel Motel Tourism Grant Committee.

Motion to approve Consent Agenda items 5, 6, 17, 18, 7, 8, and 9 moved by Councilmember Vaughan seconded by Council President Norton.

AYES: ALL

10. Consider Approving the Hotel Motel Tourism Grant Committee Funding Recommendation

Motion to approve Consent Agenda item 10 - Consider Approving the Hotel Motel Tourism Grant Committee Funding Recommendation moved by Councilmember Vaughan seconded by Councilmember Muller.

VOTE: Motion carried 6 - 0

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

Review Bids

Public Hearings

New Business

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

Motion to adopt Resolution No. 2510, a Resolution Recognizing Marysville as a Purple Heart City moved by Council President Norton seconded by Councilmember Muller.

AYES: ALL

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

Director Miller explained staff has made two changes to this code as a result of the discussion at the last work session. The first is related to the owner occupancy requirements. This has been reverted back to existing language within the text to require that the owner reside in either the ADU or the home. They also made a procedural change related to the recording requirement for owner occupancy. Staff proposes to remove the requirement that requires the applicant provide a declaration to staff every year that they still live there but still maintain the recorded condition on the title.

Councilmember James suggested waiting on the vote for this. He wondered about the owner occupancy requirement. He wondered if they didn't have that if they could just limit ownership to two or three owned parcels or units. He also wondered about using zoning to restrict ADUs or requiring owners to live within city limits.

Councilmember Muller said he wasn't opposed to a minimum threshold but noted there are a lot of other factors that will limit the size of what can be built including impervious surface restrictions and other restrictions. He stressed that these homes were built under single-family zoning. They are trying to leverage this into a multifamily application in a single-family zone. Part of the Comprehensive Plan purpose is to have consistency throughout the planning areas. He does not think the owner occupancy restrictions should be removed.

Councilmember Richards echoed Councilmember Muller's comments about the owner occupancy requirement. He cautioned against allowing single family housing to be turned into duplex lots.

Councilmember James asked how the City should approach this in light of what it looks like the State is going to do. He wondered if it would be prudent to craft this differently considering what the State might want us to do. Director Miller explained that the State hasn't generally vested what the cities already had. She recommended discussing the issues one at a time and seeing where they get.

Council President Norton asked Director Miller about the suggestion to have a 1000 square foot minimum. Director Miller reviewed Planning Commission discussion on this topic and discussed options. She stressed that this is a policy decision for Council.

Councilmember King asked if neighbors have any say in whether or not one of these can be built. Director Miller did not think the neighborhood would be notified, and she did not recommend it.

Councilmember Richards spoke in support of a decent minimum size.

Council President Norton asked Councilmember James what his desire was. Councilmember James replied he would like more time to consider this; he would love to have more discussion with the rest of the Council; and he would like more input from the professionals.

Councilmember Vaughan spoke in support of moving forward with action to get a sense of where the Council is. He was not in favor of delaying this.

Councilmember Muller replied to Councilmember King's question about public comment. These do not require public comment nor should they if they are limited to the purpose for which they were intended. They have stretched this to allow rental of one of the units which he supports, but he is not in support of being able to rent out both units which completely changes the use of the property from its original development to something else. He noted that building a duplex is and should be a completely different process than building an ADU. If the State mandates he intends to fight this at that level.

Councilmember Vaughan expressed appreciation to Councilmember Muller for his wealth of experience on this matter, to the Planning Commission and staff for their presentation of the information, and to the members of the public for their comments.

Motion to adopt Ordinance No. 3203, an Ordinance Updating MMC 22A.010 and 22C.180 to Create More Flexible Regulations for Accessory Dwelling Units moved by Councilmember Vaughan seconded by Councilmember Muller.

VOTE: Motion carried 6 - 1

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

NOES: Councilmember James

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

Director Miller explained that the proposed ordinance would revise the hours of operation from 7 am to 9 p.m. seven days a week. She also provided comparison information from neighboring jurisdictions as requested by staff.

Motion to adopt Ordinance No. 3204, Updating MMC 6.76 Noise Regulations to Reduce Construction Hours of Operation moved by Councilmember Vaughan seconded by Councilmember James.

AYES: ALL

14. Consider Approving 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

Motion to adopt Ordinance No. 3205, 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 moved by Councilmember King seconded by Councilmember Muller.

AYES: ALL

15. Consider Approving 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 summarized this item. She reported she checked with the City of Lake Stevens who reported their code is working well.

Councilmember King asked if there would be some sort of trial period for this. Director Miller replied that staff could come back with a report after a certain amount of time to let Council know how things are going.

Motion to adopt Ordinance 3206, 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 moved by Councilmember Vaughan seconded by Councilmember Stevens.

AYES: ALL

19. Consider Approving the Supplemental Agreement No.1 with J.A. Brennan for Comeford Park and Restroom Design

Director Mizell explained this is for the Comeford Park redesign project. This supplemental agreement will change the walkways to match the new lighting system and also provide lighting for the seating in the plaza area across from the new City Hall building.

Councilmember Muller asked about getting an update on the project budget. Mayor Nehring indicated staff could provide that as soon as possible.

Motion to authorize the Mayor to sign and execute the Supplemental Agreement No.1 with J.A. Brennan for Comeford Park and Restroom Design moved by Councilmember Stevens seconded by Councilmember Muller.

AYES: ALL

20. Consider Approving an Emergency Resolution for State Ave and 136th St NE Signal Emergency Repair

Director Laycock reviewed a vehicle accident recently which took out a signal pole at the northeast corner of State Avenue and 136th Street. Mayor Nehring declared this an emergency situation and staff quickly worked with contractors and the PUD to do a temporary emergency repair for this.

Councilmember Richards asked about reimbursement from the driver's insurance company. CAO Hirashima explained they are looking into that and will pursue it if it is an option.

Motion to approve Resolution 2511, an Emergency Resolution for State Ave and 136th St NE Signal Emergency Repair moved by Councilmember Muller seconded by Councilmember Stevens.

AYES: ALL

Legal

Mayor's Business

- He and Director Laycock had a meeting with WSDOT to discuss the I-5/529 Interchange and the extra lane on I-5 project. WSDOT went out to bid twice and were not able to get a bid within the contracted amount due to inflation, supply chain issues, and other economic issues. He explained discussions he is having with the State about options to backfill this to allow it to proceed. He proposed that this be added to the top of the legislative priorities list. Council concurred.
- He commended Police on dealing with a couple high profile cases recently.

Staff Business

Director Worth Norton commented they received a great idea from Councilmember Richards to install a camera in the Council Chambers. Director Norton proposed that they use one camera to highlight the dais/Council and one looking over their shoulders to see the audience/public speakers. There was consensus to move forward with this plan.

Director Langdon gave an update on the utility billing situation.

CAO Hirashima informed Council of a couple new staff members who started today - Katie Curless, Executive Services Coordinator and Sarah Lavelle, Emergency Preparedness Manager

Call on Councilmembers and Committee Reports

Councilmember Vaughan had no comments.

Councilmember James thanked everyone for the discussion tonight and welcomed the new employees.

Councilmember King:

- He reported he had the opportunity to tour the LINC Northwest community center. He was very impressed.
- Last Thursday he attended his first Public Works Committee meeting.
- Today the food bank partnered with Sunrise Rotary with a Styrofoam drive.

Councilmember Stevens had no comments.

Councilmember Richards thanked Director Norton for getting the cameras.

Councilmember Muller reported on the Public Works Committee meeting on January 7. They welcomed new members - Councilmembers Richards and King. They also discussed downtown stormwater treatment, Soper Hill Road/71st interchange options, construction projects for 2022, and the new Solid Waste Snow and Ice Plan. There was a detailed and picturesque PowerPoint that went along with that which he requested be sent to the Council.

Council President Norton had no comments.

Adjournment

The meeting was adjourned at 8:28 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring