

**Community  
Development**



**501 Delta Ave  
Marysville, WA 98270**

**Hearing Examiner  
Public Hearing**

**August 13, 2025**

**Call to Order**

Hearing Examiner Kevin McDonald opened the hearing at 6:30 p.m.

**Present:**

Hearing Examiner: Kevin McDonald

Staff: Interim Community Development Director Jeff Wilson, Systems and Database Analyst Will Kaiser, Deputy City Attorney Burton Eggertsen, Human Resources Director Megan Hodgson, Building Official Mike Snook, City Attorney Jon Walker

Applicant: Nate Perkl, PO Box 1655, Spirit Lake, ID (online)

Applicant's Attorney: Darrell Mitsunaga, Gordon, Thomas, Honeywell, 11201 SE 8th Street, Bellevue (online)

Owner/Appellant: Clinton Brager, 3108 Sunnyside Blvd, Marysville, WA

Appellant's Attorney: Nick Gross, Beresford Booth, 145 3rd Ave. N., Edmonds, WA

**Public Hearings**

**Demolition Permit D25-0021**

Hearing Examiner McDonald made his preliminary remarks including a summary of the appeal noting that he has reviewed the written materials and visited the site. The City has recommended that the Hearing Examiner uphold the issuance of the demolition permit that was issued on July 10, 2025, and deny the appeal. He reviewed his role and the hearing procedures. He asked for confirmation that all parties would be truthful.

Deputy City Attorney Burton Eggertsen requested that the Appellant present first, followed by the City. Additionally, he noted that the City had one additional exhibit to enter into the record as Exhibit 16 (the current lawsuit between the Appellant and Applicant relating to this Purchase and Sale Agreement). Hearing Examiner McDonald entered the document into the record as Exhibit 16.

Appellant Testimony:

Nick Gross, Attorney for Clinton Brager, had no testimony.

Clint Brager, Appellant, 3108 Sunnyside Blvd, Marysville, had no testimony.

City Testimony:

Deputy City Attorney Burton Eggertsen, 501 Delta Avenue, Marysville, presented on behalf of the City. He discussed issues surrounding the issuance of the demolition permit including the standard process for review which he asserted is a simple, administrative process.

Building Official Michael Snook, 501 Delta Avenue, described his role as building official with the City of Marysville and specifically how he reviews demolition permits. He described circumstances under which other demolitions have been issued without requiring that utilities be disconnected. In these situations they are required to come in for a pre-demolition meeting with the construction inspectors to verify that power has been disconnected. He reviewed the background of this particular application, noting the first application was incomplete; the second application was missing a letter of confirmation from the Department of Archaeology and Historic Preservation (DAHP) which was finally received with the third application submittal. He reviewed his interactions with the Appellant's real estate agent, Lynette Gamm, representing the property, regarding her inquiry about granting an exception for asbestos abatement on a property that is currently occupied. He informed her in person and in writing that they could not violate state law and that they needed the asbestos survey and the NOC prior to issuance of a permit. In this case it also required a letter from DAHP. He stated that he applied the conditions for approval for this permit as he does for all other applications.

Deputy City Attorney Eggertsen responded to the Appellant's arguments:

1. *The permit was approved illegally.* - The issuance complied with all city ordinances, state law, and IBC provisions. None of these required utility service be discontinued prior to the issuance of a demolition permit. Deputy City Attorney Eggertsen explained that every property and every application requires unique and different treatment. There is nothing in the IBC that requires exact identical treatment of every application.

2. *The City was arbitrary and capricious by first approving the permit without requiring disconnection of utilities.* - The Appellant cites no case law to support this claim but

bases their claim on an old checklist that was used prior to the conversion to electronic applications. Even if it was still used, the checklist is for the purpose of internal administrative purposes.

3. *The information sheet procedures were not followed.* - Deputy City Attorney Eggertsen explained that the City is not required to comply with this information sheet; nonetheless, he explained how the City actually did comply with the provisions in the information sheet. He also pointed out that the Purchase and Sale Agreement has a provision that allows the Appellant to stay at his property after the demolition permit was issued with utility service. This was explicitly negotiated by the Appellant.

4. *A Constitutional claim that issuance of this permit prior to the disconnection of utility service violated the equal protection clause.* - Constitutional claims are beyond the scope of review of an administrative hearing. However, he is confident that issue of the demolition permit prior to disconnection of utility services is not a violation of the Constitution.

5. *A claim of corruption that the City somehow issued this permit because of a corrupt and improper relationship with the applicant.* - This is a serious suggestion that should have some factual basis, but there is none. He reviewed the only experience he has had with Huseby homes which was when they sued the City for denying a development application. There is no evidence of some kind of corrupt intent by the City on this point.

Deputy City Attorney Eggertsen asserted that the building official completed review of the application and issued the permit according to standard procedure and in compliance with the IBC. This is a simple administrative item. He noted that the City even inquired with the Appellant through his Counsel if he wanted the permit revoked. The Appellant refused to answer that question one way or another. Mr. Eggertsen asserted that this is a dispute over two private parties over the sale of this property. Issuance of this permit was the final condition that triggered closing. The appropriate venue for them to handle this dispute is in Superior Court. He summarized that the City acted appropriately in its issuance of the permit. For this reason, he requested that the issuance of the permit be upheld and this appeal be denied.

Hearing Examiner McDonald asked if the permit has an expiration date. Mr. Snook replied that there is a one-year expiration unless it is extended. It can be extended at the request of the permit holder for six months twice.

Hearing Examiner McDonald asked about the assertion that the online form/checklist was outdated. Deputy City Attorney Eggertsen explained the form was updated to reference the updated IBC.

Hearing Examiner McDonald asked about the purpose of the form. Mr. Snook explained it is to generally inform applicants about the process. The checklist is not required by city code in any way.

Other Testimony:

In Person: None

Online:

Darrell Mitsunaga, attorney with Gordon, Thomas, Honeywell, 11201 SE 8th Street, Bellevue, representing the applicant, Nate Perkl and Huseby Homes. He agreed with the comments provided by Deputy City Attorney Eggertsen and noted that Mr. Huseby and Mr. Perkl were available to respond to questions if necessary. They all support the City's position that the appeal should be dismissed.

Appellant Final Testimony:

Nick Gross reviewed the background on the approval of this application. He stated he had several conversations with city staff with questions about why the permit was issued when the requirements had not been met. He said he did not receive an answer to this question. He noted that the City had approved the permit pursuant to an exception, but what is the exception? He asked that the construction documents submitted with the application permit referred to by Mr. Eggertsen be submitted to the Hearing Examiner. He stated that the two IBC code provisions cited by Mr. Eggertsen are not relevant to this case. Mr. Brager deserved an answer as to why a permit to demolish his home was issued. He still has not received that. The Appellant asserted that the City's decision to allow water and utility services to be maintained at the property renders this decision unlawful. There has been no exception cited that would change the need for those requirements to be met. The permit should be revoked on that basis.

Hearing Examiner McDonald asked if there was an awareness by the Appellant, Mr. Brager, that the Applicant was submitting materials for demolition of the property. Mr. Gross explained that Mr. Brager had terminated the Purchase and Sale Agreement prior to the application being submitted. The Appellant believes that Mr. Perkl does not have standing at this point to demolish the house.

City's Closing Testimony:

Deputy City Attorney Eggertsen submitted Exhibits 17 and 18 to the record (IBC citations).

Mr. Eggertsen explained that the Appellant's interactions with staff had become hostile which is why the communications were forwarded to the legal department. The other attorney was threatening litigation. He explained that his job is to represent the City; not to provide information to opposing counsel. Mr. Eggertsen said in addition to encouraging the Appellant to make public records requests, he had provided the administrative remedy to Mr. Gross in the form of an appeal. The code provisions he mentioned (and submitted) were brought up as only two examples that show

the building official has wide discretion in reviewing and approving permit applications. As far as the exception, the building official has provided testimony as to the basis for the exception. The checklist is not an ordinance, a state law, or an IBC provision; it is just a checklist. Regarding whether a developer can have standing to apply for a permit, the answer is yes. They have to attest that they have permission of the owner. Mr. Eggertsen reiterated that the Appellant's own real estate agent as late as June was pushing for the City to except the demolition permit from state law requirements to hurry along its issuance. The answer was no and that it needed to comply with state requirements. There has been no evidence or testimony to establish the Appellant's burden that this permit was issued in noncompliance with the IBC. For that reason, the City is requesting that the permit be upheld and the appeal be denied.

Hearing Examiner McDonald asked if MMC requires that utilities be disconnected and all fees be paid prior to issuance of the demolition permit. Mr. Eggertsen explained that the code is silent on that point. The City believes this allows for the discretion of the building official. There is no code provision that says that demolition permits can't be issued until utility services are disconnected. The permits have to comply with the International Building Code and state law, which it does. He stressed that approval of the permit is actually what the Appellant wanted and negotiated for in the Purchase and Sale Agreement. The proper avenue at this point is to pursue this in a court case.

Mr. Gross clarified that they are not claiming there is a MMC that requires these things. They believe that the IBC requires applicants to provide the information that the building official requires. The building official, by producing the checklist without any exception written into it, created requirements that all applications must comply with.

Mr. Eggertsen stated that the IBC is not modified by an internal checklist. The IBC was applied correctly. The information sheet says that generally utilities need to be discontinued prior to approval. They need to verify that utilities are discontinued prior to demolition. The building official has discretion to review applications, identify conditions at the property or with the property owner. Rather than requiring utilities to be decommissioned prior to the issuance of the permit, the permit contains conditions that utilities are decommissioned prior to actual decommission. There are no violations associated with this. This permit was issued legally and validly per city code. He reiterated that this is a private party dispute and the avenue for this to address this is in Superior Court.

Hearing Examiner McDonald asked for a copy of the checklist. Mr. Eggertsen explained it was attached to Exhibit 3.

Mr. Mitsunaga clarified that Mr. Brager was aware that they were pursuing the demolition application, and his real estate agent was pushing to get it approved. They couldn't get it done until they got the DAHP approval, but they tried. He emphasized that Mr. Brager fully understood and was supportive of the application until their negotiations went sideways, and he tried to get it revoked.

Hearing Examiner McDonald stated he would review the information and provide a decision within 5 days. He noted his decision would be appealable to Snohomish County Superior Court.

The hearing was closed at 7:41 p.m.

*Stacy Jones* for  
Laurie Hugdahl, Recording Secretary

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Laurie Hugdahl, Recording Secretary