

MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 5, 1989

7:30 p.m.

Public Safety Center

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
 Ken Baxter, Mayor ProTem  
 Mel Schank  
 Dave Weiser  
 Bill Roberts  
 Larry Hots  
 Bob Lashua  
 Lee Cundiff  
Administrative Staff:  
 John Garner, City Administrator  
 Mike Corcoran, City Planner  
 Jim Allendoerfer, City Attorney  
 Doug Ronning, City Fire Chief  
 Dave Zabell, Public Works Director  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Recording Secretary Iverson called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETING:

Councilor Schank moved that the minutes of 8/28/89 be approved as written. Seconded by Councilor Lashua and passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None

PRESENTATIONS: None

CONSENT AGENDA: None

REVIEW BIDS: None

PUBLIC HEARING:**1. Tax Levy Election (Fire Service).**

City Fire Chief Ronning addressed the Council and gave a little history about the past EMS levies and stressed the need for the levy to continue for another six years. At present, he noted that the needs exceed revenue from the levy what with expenses such as EMT training, maintenance on the defibrilator and other equipment, malpractice insurance, capital outlay, schooling, seminars, etc. He also noted that 62% of the calls are for the aid unit. The proposed levy would cost the tax payer \$20 on an \$80,000 home or \$25 on a \$100,000 home and he reiterated the need for their advanced life support techniques training and certification.

Councilor Roberts noted that it is costing \$70,000 out of the levy funds for two full time firefighters and he said he would prefer that more funds be used to hire on at least two more firefighters because of the tremendous increase in risk in Marysville and rather than "taking a chance" on the budget process to fund additional firefighters.

City Fire Chief Ronning noted that there is a limit of a 25 mil rate for the EMS levy and City Attorney Allendoerfer noted that this is a special fund for aid car purposes and it would be possible to seek additional funding for firefighters from Fire District 12 or through a user fee for ambulance or aid car use.

Councilor Roberts said he feels strongly that Marysville is going

CORRECTED: SEE	7-11-89
MINUTES	254

to need more firefighters and/or a station on the east side to accommodate the growth.

City Fire Chief Ronning talked a bit about the exchange of services between Fire District 12 and the City and agreed that the City needs more personnel. At present, he said there are 18 EMTs and 14 out of the 18 are certified as monitor defib.

Councilor Weiser asked for a ballpark percentage guess of how many Fire District 12 aid calls Marysville answers and Chief Ronning estimated 30% plus they also pay the City \$75,000 per year, plus the use of a pumper, he noted.

After additional brief discussion, Councilor Hots moved and Councilor Schank seconded to continue for another six years with the EMS levy, under Resolution #1376, this item to appear on the general election ballot in November. Passed unanimously.

PETITIONS & COMMUNICATIONS:

**1. Letter from Snohomish County Public Works dated 8/14/89.**

Public Works Director Zabell explained that this is regarding the Quil Ceda bridge replacement within the proposed 88th St. annexation area and that the County has received a bridge replacement grant whereby 80% would be paid by the Feds. On a total cost of \$600,000, that would mean the fed portion would be \$480,000 and the County's portion would be \$120,000 but the overall project could go as high as \$1,000,000, he said. In other words, if the City annexes, our liability, taken over from the County, would be anywhere from \$120,000 to over \$200,000 for the bridge replacement.

Discussion followed regarding whether or not the bridge needs immediate replacement, the bridge replacement fund vs. a regular street fund, the 88th St. interchange timeline, and Councilor Schank suggested contacting neighbors with regard to the annexation of a larger area in order to develop a larger tax base to offset the cost of the bridge. Councilor Roberts concurred, stating it would make more sense for the City to take on the bridge liability if there were a larger annexation area. Councilor Schank suggested also that both jurisdictions (the City and the County) take a look at the feasibility of the project, especially keeping in mind that it's difficult to get the Feds to move.

Councilor Roberts moved that the 10% petition for annexation be denied and that the applicant be encouraged to seek a larger annexation area. Councilor Schank seconded and the motion passed unanimously.

CURRENT BUSINESS:

1. Village Motor Inn Parking Requirement (Continued from 8/28/89)
2. Petition to Vacate Ash Avenue.

(Councilor Roberts stepped down.)

City Planner Corcoran explained that the owner still wishes to go ahead with plans for vacation of Ash which will then give him an excess of 5 parking places. The second option would be for the owner to establish parking within 500' of the premises, he said.

Councilor Hots asked about CT and DOT signing the agreement with regard to the Park & Ride lot and City Planner Corcoran said he didn't know what the status is right now; that they are very slow generally, but Mayor Matheny and Councilor Schank pointed out that CT is very anxious to put in additional Park & Ride lots.

## MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 5, 1989

Page 3

Councilor Cundiff asked if the \$10,000 would still be donated to the City by the owner even if it is not utilized for a Park & Ride lot, i.e. if the Park & Ride lot does not go in. Mayor Matheny said she couldn't guarantee it but felt very confident that the Park & Ride lot would go in.

City Administrator Garner stated that the big hurdle/holdup was liability insurance and if that's solved by now between DOT and CT, then there should be no problem.

City Attorney Allendoerfer explained that the question is whether or not the City will charge for the vacation of Ash St.

Ray Thorsen, 4432 Meridian, addressed the Council and stated that he has had additional communication with CT and DOT and indications are now that a Park & Ride lot can be completed within 4-6 months. He stated that the \$10,000 offer was part of a full package and it was what they felt they could spend with regard to creating additional parking.

City Attorney Allendoerfer said he could only count 72 on site and 40 off site parking places and Lorna Corrigan, Ray Thorsen's attorney, said Mr. Thorsen would get back to the City Attorney later on that point.

Lorna Corrigan of Newton, Kight, Novack, Adams & Castleberry, in Everett, addressed the Council and explained that they are asking for relief on the cost of Ash St. because of crossover uses, compensation for landscaping between 2nd & 3rd and in terms of the project, it is to be a 1.5 million dollar project which will obviously bring much benefit to the City. She noted that the Council does have the discretion whether or not to charge for half of Ash St. and they feel it's in the best interests of the City not to charge. She gave the example of the Mall where several streets were vacated at no charge to them because the public benefits outweighed/compensated for the exchange. She cited as the Village Motor Inn's benefits to the City:

- \$40,000 in direct revenue for sewer and water services
- anticipated half a million dollars per year revenue tax base
- "new money" coming into town from out of town patrons
- \$10,000 contribution toward the Park & Ride lot as well as participating in the lighting and landscaping of the parking for the Park & Ride lot
- it will give the area a better appearance.

Ms. Corrigan stated that they are asking that the appraisal fee be waived and said that they must indicate that if it is not, the \$10,000 contribution would be lost and there would also be a possibility of the entire project being dropped and she encouraged City Council to examine the long and short term benefits here.

Councilor Schank said he counted 100 stalls without street parking and there was further discussion regarding the count, an agreement from DOT, the Park & Ride lot, clarification of the street boundaries, payment of \$5400 five years ago by Ray Thorsen to the City for vacation of the alley.

Ms. Corrigan reiterated that the City needs to consider the revenue that will be generated by the Village Motor Inn and Councilor Baxter suggested that part of the \$10,000 serve as half of the appraised value and the City would stay in the position of not setting a precedent. Councilor Hots agreed, stating that if Mr. Thorsen wants to donate the remainder to CT, that's up to him.

After some calculation, Councilor Lashua came up with \$8,500 being approximately half of the value of Ash St., based on \$7.00 per sq. ft. which he felt would be an equitable settlement to the City because he didn't wish to see the street "given away".

## MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 5, 1989

Page 4

Ms. Corrigan stated that the appraised value would be based on abutting property and City Attorney Allendoerfer said that, based on his calculations, half of Ash is worth more like \$27,300, using \$7.00/sq.ft. also.

Mayor Matheny stated the need to be consistent with all developers and Ms. Corrigan again urged the Council to consider the anticipated revenue as well as the fact that Mr. Thorsen is a good citizen. Councilor Schank added that he felt this is a unique (commercial) situation and that Mr. Thorsen should be commended for providing a long term overall benefit opportunity to the City.

Mayor Matheny pointed out that no exceptions were made for Maxwells and City Administrator Garner asked Mr. Thorsen what happened to the design that he had a couple years ago that met the City standards for parking. Mr. Thorsen stated it was for a larger motel but provided parking under the building and the cost was exhorbitant.

City Attorney Allendoerfer pointed out Mr. Thorsen's alternative of getting 4 additional parking spaces 500' away from the premises and advised having a public hearing in October. He noted that the question remains tonight whether or not to charge for Ash St. and the second issue is whether or not a building permit may be issued at this point so that Mr. Thorsen can start construction.

There was further discussion about how many parking spaces vacation of Ash would provide and it was determined that even without the Park & Ride lot, vacation of Ash would provide sufficient parking spaces for the project.

Councilor Schank moved and Councilor Hots seconded that Resolution #1377 be adopted, setting a public hearing date of 10/9/89 regarding vacation of Ash and that compensation should be charged, with a determination on 10/9/89 of the amount.

After further discussion regarding appraisal, City Attorney Allendoerfer suggested the applicant confer with staff with regard to what form of appraisal he will use at the public hearing.

The motion passed.

CORRECTED: SEE <u>9-11-89</u>
MINUTES <u>FIND</u>

Councilor Baxter then moved that the building permit be issued with agreement that the owner will fund 4 more parking spaces prior to occupancy of the building. Councilor Schank seconded and the motion passed.

#### EXECUTIVE SESSION:

Executive Session was called at 8:45 p.m. regarding Pending Litigation and it continued until 9:33 p.m. The regular City Council meeting reconvened at 9:35 p.m.

#### CURRENT BUSINESS:

### **3. RUSA Negotiations with the City of Arlington.**

City Administrator Garner explained that Arlington has now made a commitment with regard to boundaries, facilities, etc. and asked Councilor Baxter to lead the discussion and answer any questions that other Councilors might have.

Councilor Schank stated that he was still concerned about turning over the sewer line, even with the \$200,000 compensation from Arlington and said he felt Marysville should retain that portion of the line.

Councilor Roberts pointed out that the line is outside of RUSA and Councilor Schank stated he would like to see it included within

## MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 5, 1989

Page 5

the RUSA boundary and discussion ensued regarding annexations paralleling RUSA boundaries or not, how the \$200,000 figure was arrived at, where sewer lines run, reversing flow boundary, 152nd having to be on a pump vs. gravity, size of the line, evaluation, proposed route of Marysville and Arlington lines.

Public Works Director Zabell noted that the proposal also includes Arlington taking over the Petunia District and Councilor Schank asked about Totem Park. Councilor Roberts stated that Totem Park can still be served by Marysville even if it is annexed into Arlington and Councilor Hots stated he sees RUSA boundaries as synonymous with a foothold or control for future annexation but Councilor Roberts disagreed and said Smokey Pt. is a good example--it will be up to them which City they wish to be in and if they want to be in Arlington, Marysville can still be the purveyor, he stated.

City Attorney Allendoerfer pointed out that this would be a logical time to sign an annexation agreement and Mayor Matheny agreed and noted that most of the recipients of Marysville utilities have signed a no protest to annexation agreement.

There was more discussion regarding annexation of the Smokey Point area, the Petunia District, boundaries, pending Arlington annexations, whether or not major trunk lines should be included, how Marysville utilities are conflicting with Arlington annexations, use of sewer line for Petunia District, how giving up part of the sewer line is also buying some time on the Marysville sewer lagoon upgrade. There was also discussion regarding the zoning in the area of the sewer line to be sold to Arlington and estimates at how long it will remain ag. There was discussion about the 8% interest rate on the \$200,000 and if the commitment is paid off within three years, it would be interest free.

City Attorney Allendoerfer asked if Arlington wouldn't be making more than \$16,000 in monthly revenues but Public Works Director Zabell pointed out that there will probably be service and maintenance to take care of out of the revenues and that at present, it is not a paying proposition. Councilor Baxter concurred that the Petunia District is a real liability at this point and Marysville is happy to have Arlington take it over. He added that one reason for the jogs in the "yellow line" is to give Marysville room for businesses to hook in. The proposal took a lot of discussion to come up with an acceptable boundary to both Arlington and Marysville, he added and said they have simplified the whole program somewhat.

Public Works Director Zabell noted also that the proposal took into consideration the ULID at Smokey Point (at 178th) and Councilor Baxter said also that it encompasses almost all of the existing retail, commercial, residential property strategically located on the Marysville side.

Councilor Weiser pointed out that the ag land has a tremendous industrial potential and Councilor Roberts agreed but stated that it will not fill up that fast and there was more discussion about pending annexations, Boundary Review Board possible decisions, the fact that the area south of 172nd is in Arlington's potential annexation area, discussion about the discussions that have been taking place between both cities.

Councilor Hots stated he has a concern that an industrial park is sure to come in and that Marysville should retain utilities south of 172nd, with Arlington retaining utilities north of 172nd.

City Administrator Garner pointed out that that would give Arlington most of Smokey Point and Councilor Hots said that was his intent. Councilor Roberts pointed out that the proposed utility area includes Smokey Point, Pony Estates, a very large tax base for Marysville and discussion followed concerning whether the area south of 172nd will change from ag and if so, when.

MARYSVILLE CITY COUNCIL MINUTES  
SEPTEMBER 5, 1989  
Page 6

Councilor Baxter stated that he understands the county has adopted the policy of retaining 10 acre ag land as ag land and Councilor Schank suggested a different configuration on the proposal to square off the boundaries. Councilor Roberts stated the proposal is the most logical set of boundaries they could come up with and Councilor Baxter concurred, adding that between Dave Zabell and Bob Kissinger, this is the easiest, cheapest route for Marysville also.

Public Works Director Zabell explained the flow and stated that the 14" line had to be put in to serve the Smokey Point area.

Councilor Lashua stated he was satisfied with the proposed agreement and Councilor Cundiff asked if there had been any changes from the original agreement. City Administrator Garner stated the only change is in the interest rate and discussion ensued regarding the intent of the wording. City Attorney Allendoerfer said he interpreted it as \$16,000 interest per year with no pre-payment penalty and a 10 year balloon payment, interest payment due each year. Councilor Schank clarified that interest will be charged for the first three years if no payment is made or if not paid off within the first three years.

Councilor Cundiff said he was not in total agreement with the final proposed boundaries but believes the negotiations have been in good faith between the two cities and so will go along with them as presented.

Mayor Matheny thanked Councilors Baxter and Roberts, Dave Zabell, Larry Wade and John Garner for their tireless efforts in negotiating this agreement.

Councilor Roberts moved and Councilor Baxter seconded to accept the agreement with the city attorney to draft an interlocal agreement as outlined with a deferral paragraph stating intent to await outcome of the coordinated water study and with this agreement to be binding on future City Councils.

After a further brief discussion, the question was called for and all were in favor of the motion with the exception of Councilor Hots who voted against.

NEW BUSINESS:

1. Marysville Comprehensive Plan Public Opinion Poll.

City Planner Corcoran presented the final draft of the survey that will be done by Cheyne & Associates and will facilitate the Comp Plan review. He pointed out that the area around Smokey Point will be included on the map in Area 9. He also pointed out a typo in question #9 - (area) should be (Area 1) with regard to waterfront use.

There was discussion about including the area west of I-5 in the survey and City Attorney Allendoerfer stated comp plans typically "slop over" into adjacent areas. He said he had a problem, however, with #3 not including a "no growth" type response and said the poll could be biasing answers. City Planner Corcoran stated that they felt "no growth" is not an option; that we either manage the growth or we don't, but the question can be changed if Council wishes.

Mayor Matheny said she felt it was O.K. to be left as is and when Councilor Roberts asked if people would have the opportunity to at least express a "no growth" opinion, City Planner Corcoran pointed out that the last question on the survey affords them that chance.

Councilor Schank asked about the cost of distribution and City Planner Corcoran stated the funds have been appropriated for this and he recommended using the Marysville Globe for the newspaper

MARYSVILLE CITY COUNCIL MINUTES  
 SEPTEMBER 5, 1989  
 Page 7

method of circulation vs. the North Snohomish County Today paper, in order to avoid the survey being put in with all the advertising. He noted that the Globe would charge \$120 more, however.

Councilor Cundiff moved and Councilor Hots seconded that the Planning Dept./Commission be given authorization to proceed with the survey, with consensus being to use the Globe for the newspaper portion of the survey. Passed unanimously.

LEGAL MATTERS/ORDINANCES & RESOLUTIONS:

1. Fence encroachment on City easement.

City Attorney Allendoerfer explained that a realtor has brought a situation to the attention of the City where there is a 2-3' fence encroachment on property that is part of the City easement. The property owner is Bob Deaver Construction and the fence was discovered after the property had been short platted and surveyed.

Councilor Roberts, speaking on the part of the property owner, said he did the survey and there is enough room for the road. City Planner Corcoran agreed, noting that the property owner has met City requirements.

Discussion followed regarding whether or not it is imperative that the fence be removed, that in order to do so may mean the court system which is costly, the short plat has been approved, City requirements have been met, should surveying be done before or after approval of a short plat, easements, a new short plat ordinance, all four building permits have been issued, the property line does not move just because of the fence, financial institution concern, possible title company requirements.

It was the consensus not sign anything but that the City Attorney should work on drafting the Short Plat Ordinance/Amendment.

2. Resolution Amending Personnel Rules - Temporary Appointments.

City Attorney Allendoerfer explained the change has been made with respect to fringe benefits and there was discussion about whether a person is eligible for benefits, budget restrictions for temporary employees, state guidelines that must be followed.

Councilor Lashua moved and Councilor Schank seconded that Resolution #1378 be adopted. Passed unanimously.

3. Resolution Amending Personnel Rules - Filling Vacant Positions.

City Attorney Allendoerfer explained that this lists criteria in order of importance prior to posting the job outside.

Councilor Baxter moved and Councilor Weiser seconded that Resolution #1379 be adopted. Passed unanimously.

4. Woodgate Village (Frank Taylor) Resolution regarding RMM Rezoning.

City Attorney Allendoerfer explained this has been drafted as outlined at last City Council meeting with no extension on the mobile home park overlay but with a 9 month RMM rezone, guaranteeing a minimum of 118 units.

City Administrator Garner suggested postponing this rather complicated item to next meeting and it was the consensus to do that.

5. Ordinance Regarding Gene Robertson Rezone.

Councilor Baxter moved and Councilor Lashua seconded to adopt Ordinance #1722. Passed unanimously.

6. Withers (Ripper Property) Rezone Contract.

Councilor Weiser moved and Councilor Schank seconded to authorize the Mayor to sign the Rezone Contract. Passed. (Councilor Roberts did not vote.)

CALL ON COUNCILMEMBERS/STAFF:

Councilor Cundiff asked about the crosswalk proposal at 54th and City Administrator Garner said it was discussed at a recent staff meeting and it had been decided not to install a crosswalk at that location in view of it being right on a curve and would promote City liability.

Councilor Lashua asked about the ordinance that was adopted at last meeting regarding retention of property by pawnbrokers and City Attorney Allendoerfer said it was increased from 3 days to 15 days to be in accordance with state law.

Councilor Lashua mentioned a PSCOG communication and also that the Snohomish County Tomorrow meeting has been changed from 9/21 to 10/5 at 7 p.m. in the Snohomish High School.

Councilor Hots asked about 64th and Public Works Director Zabell explained that more fill material had to be brought in which caused a setback but curbs are to go in next week. He said they are still hoping for an early October completion date.

Councilor Hots asked about the Hickock Park opening and City Administrator Garner said he would check into it further.

Councilor Weiser asked about the financing for the new Parks Dept. office building and City Administrator Garner explained that Finance Officer Dexter is still on vacation and will report as soon as he returns on how the new office building can be financed.

Councilor Weiser reported that the post office is working on plans for increasing their parking on Columbia and City Administrator Garner said he would follow up with the Postmaster.

Councilor Schank mentioned an upcoming training session for Planning Personnel.

City Administrator Garner brought the status report from the Business License Coordinator (in the packets) to the attention of Council and noted that is a very busy office. He reminded Councilors Lashua, Roberts and Weiser and Mayor Matheny about the Thursday meeting for screening for the City Administrator position. He also informed Council of Mary Swenson's loss of a brother over the weekend due to a head-on collision traffic accident. Her brother's name was Leo Callahan.

Public Works Director Zabell reported that 76th is substantially complete and there was brief discussion about sidewalk, curb and fence completion.

Mayor Matheny noted that the Visitors Information Center will be greeting its 150,000th visitor within the next week and the center has only been open about 2 years.

Councilor Baxter asked about the "crisis gully" in connection with the Everett Water Pipeline and City Attorney Allendoerfer stated that they have held off on the condemnation now. He noted that an agreement has not been signed as yet between Everett and Marysville although Everett has issued a Resolution of Intent. He said the next step should probably be approval from the Dept. of Health on the project and then approval by the Mayor. There was discussion about signing of the contract as soon as possible being a good idea and City Attorney Allendoerfer said he would follow up with Bruce.

ADJOURNMENT:

There being no further business to come before Council at this time,  
the meeting was adjourned at 11:17 p.m.

Accepted this 11 day of September, 1989.

Lita Matheny  
Mayor

Phillip E. Dexter  
City Clerk

Manda A. Iverson  
Recording Secretary