

MARYSVILLE CITY COUNCIL MINUTES

FEBRUARY 5, 1990

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
 Ken Baxter, Mayor Pro Tem  
 Dave McGee  
 Dave Weiser  
 Donna Pedersen  
 Donna Wright  
 Bob Lashua  
 Lee Cundiff  
Administrative Staff:  
 Carolyn Sanden, City Administrator  
 Phil Dexter, Finance Director  
 Jim Allendoerfer, City Attorney  
 Dave Zabell, Public Works Director  
 Mike Corcoran, City Planner  
 Jim Ballew, Parks & Recreation Supt.  
 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:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

Councilor Lashua moved and Councilor Pedersen seconded to approve the minutes of the 1/22/90 meeting as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Dave Aldrich, 5928 97th St. NE, addressed the Council, stating he represented the Marysville Community Action Network which was originally formed to stop the incinerator project and then it evolved into a group concerned about the rapid change/growth in Marysville. He stated at their 1/23 meeting in the Log Cabin Room, there was standing room only and they have been able to get 550 signatures on a petition in favor of prohibition of development until such time as there are adequate services available. He noted that they believe everyone has a right to use their property as they see fit but necessary services are needed, open spaced provided, adequate fire and police protection, etc. in order to maintain quality of life in Marysville. In addition, he stated, MCAN would like to give input to the Comp Plan, monitor SEPA and environmental issues, articulate needs with regard to services and extended an invitation to City Council to participate in a forum. He presented the 550 signatures to the Mayor.

Brian Friel, 11030 51st Av. NE, addressed the Council, stating that with the scarcity of housing right now and particularly affordable housing, moratoriums are not the way to deal with the problem and the group that he represents would also like to have City Council work with them in these efforts of providing affordable housing in Marysville.

Doug Bolin, 6519 72nd St. NE, addressed the Council and stated the City has serious water problems in Kellogg Meadows to take care of (drainage problems) before they should allow any more development. He noted that people used to duck hunt in Kellogg Meadows and the one 50' French drain in Div. II serving 5 houses is just not enough. He noted that his house was appraised at one time for \$110,000 but there's no way he could sell it for that now because of the drainage problems in there and asked that Council seriously consider not going ahead with allowing Div. III to be developed until Div. II drainage problems are taken care of.

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Public Works Director Zabell stated that Tom Loughlin has gotten ahold of the developer of Division III and they are working on resolution of the problem.

Christine Evans, 9905 48th Dr. NE, addressed the Council stating she has been a Marysville resident for several years. She said Marysville definitely has a traffic problem, for example no left hand turn lane at Pay N Pak; we need road widening, sidewalks, etc.; State is pathetic as far as traffic and condition of the roadway. She noted however that annexation would create more dollars and we do need that to pay for the services that are used by way more people than those who live within City limits and have to pay for the services. She emphasized the need for the wider tax base in order to pay for the water, sewer, roads, etc.

Mayor Matheny thanked her for her input, noting that the Traffic Advisory Committee is working towards making Marysville's needs known to the State, who is in control of a lot of the money needed for new signals.

Greg Wright, 5535 Parkside Dr., addressed the Council, stating he worked with Brian Friel and their group encourages a citizens/City Council group to come together, he suggested six people from the anti-growth group and six people from the affordable housing growth meet with members of the City Council to work together on the issues. He reiterated that his group is against a building moratorium because that is not the solution to the problem at hand.

Discussion followed amongst members of the audience regarding setting up of a meeting date, whether or not everyone should be a homeowner and/or a resident of the City of Marysville. Mayor Matheny suggested that residents could be from the greater Marysville area and referred them to City Planner Corcoran to arrange a meeting.

PUBLIC HEARINGS:

1. Northwest Energy Code Model Conservation Standards (continued from 1/8/90 meeting).

City Planner Corcoran stated the House of Representatives and the Senate have now approved an energy bill similar to the Northwest Energy Code, effective 3/1/90. He noted also that Sundquist Homes encourages the City (according to a letter from Mr. Sundquist to City Planner Corcoran) to wait until the State legislation goes into effect because he says the State plan is for 4 years as opposed to the early adoptive plan of 2 years. City Planner Corcoran referred to other information in the packets.

Mike McCort, Energy & Utilities Committee, 1632 15th Av. SW, Olympia, addressed the Council and stated that the Governor signed the energy bill into law today but it doesn't take effect until 7/1/91 and that allows time to develop the code. There may be changes in the interim, he noted, adding that they are still in support of local jurisdictions having an energy code and the local cutoff date is 3/1/90. He noted that the NWEAC would provide for allowances to the homeowner of \$900 plus \$150 for City inspections/administration of the code, which seems to be a lot of lost opportunity if the NWEAC is not adopted he said. He added that there will be some local monies available also when the state code takes effect, initially funded by BPA and other agencies. He added that Arlington and Lynnwood are considering this also tonight, along with Marysville.

CORRECTED: SEE 2-12-90  
 MINUTES

Councilor Baxter asked about savings to individuals and Mr. McCort said it would vary but it would be a minimum of 30%, up to 50% of their present fuel bill.

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Roger Anderson of Washington Natural Gas, Seattle, addressed the Council stating they are in favor of the local NWEAC and he noted that 18 jurisdictions in total are considering adoption. He said Washington Natural Gas supports this as a dual fuel ordinance and he urged Marysville to support the NWEAC. He gave Council a handout summarizing other jurisdictions and noting a coalition was formed several years and they are in favor of all forms of energy conservation, but the gas company is not providing any funds per se, he noted.

Councilor Baxter said he had heard PUD will be receiving a reimbursement for each home signed up under the NWEAC and City Planner Corcoran stated that all the monies available would be received by the City and some of the money may be paid to PUD inspectors by the City as an interim process. He noted that Larry Sundquist (builder and owner of Sundquist Homes) was on the negotiating team and is in effect against the local NWEAC. HB 9128 is classed as a compromise and an effort to pay for providing an alternate energy source, he said, adding that the local bill is more stringent however there is also a known reimbursement with the local energy code.

Councilor Baxter said his concern is what is going to happen when the reimbursement money runs out from BPA.

Councilor Cundiff said his concern is the letter from Sundquist and what seems to be a reversal of his support.

Tom Powroznik of Belmark Homes addressed the Council and stated they are against the adoption of the local NWEAC because it represents an increased cost to the homeowner and \$10 per \$1000 over 30 years translates into a larger mortgage payment. The cost of homes is already so high that affordable housing is out of the question and we need to wait until we are on more of an even keel in the housing/pricing market, he said.

Councilor Lashua noted that any energy code is going to increase the cost of homes, whether it's the state code or a local code and added that he doesn't feel he's had enough time to review all aspects of the state vs. local NWEAC figures. He suggested continuation of the public hearing. Brief discussion followed.

Councilor Lashua moved to continue this public hearing to 2/12/90 with staff to come back with some figures with respect to the builder and the buyer. Councilor Baxter seconded and the motion passed unanimously.

Councilor Wright also asked for staff to bring back more information regarding ventilation.

2. Weiser 6th Street Vacation.

It was announced that this public hearing has been continued at the applicant's request to 2/12/90.

CONSENT AGENDA:

1. Report on Christmas Tree Chipping Program.
2. Purchase of Radios - Police Dept.
3. Approve One (1) Year Extension (to 4/27/91) of Preliminary Plat of Bayview Ridge Division IV.
4. Approval of 2/5/90 Claims \$18582 thru #18747 - \$333,230.69.

After all concerns were satisfactorily resolved, Councilor Weiser moved and Councilor Lashua seconded that Items 1 thru 4 of the Consent Agenda be approved. Passed unanimously.

REVIEW BIDS:

1. Park & Recreation Office Building.

Park & Recreation Supt. Ballew addressed Council and explained

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that Pacific Mobile Leasing was the only firm to bid the building in 1989 and again in February, 1990. The original bid was for \$47,800 and the rebid came in at \$42,802. He said this figure compares well to a similar conventional building, that \$40,000 was budgeted and the \$2800 additional can be covered the the capital improvement budget.

Councilor Lashua asked about the "profit" listed in the bid and Parks & Recreation Supt. Ballew explained this is the same as "contingency".

Councilor Cundiff asked about the possibility of using the Public Works building for the Parks & Rec. Dept. and noted that this report/feasibility study had been requested about a year ago and that he felt the issue of a modular building somewhat premature until the Public Works Building is checked into. He said he also understood that the Parks Dept. was interested in locating downtown and for these reasons would not be in favor of the new modular building at this time.

Councilor Baxter agreed that those issues had come up, as did Councilor Weiser. Councilor Weiser noted the use of the building at the golf course was discussed as well as the use of Jennings Park, the Public Works building, etc.

Councilor Lashua pointed out that the Public Works Bldg. is going to be utilized by the Planning Dept. and he said he is in favor of the new modular building for the Parks Dept. at Jennings Park because it is really needed.

Councilor Baxter stated the Parks Dept. was allowed for when the building at the golf course was built originally and right now the space is being wasted--the space is all finished as far as plumbing, wiring, etc., he pointed out.

Councilor Weiser said he thought there might be a safety factor and parking problem at the golf course and Councilor Lashua agreed, stating the building will probably be used for something one day and would not be wasted. Councilor Cundiff said he thought the issue should be re-evaluated.

Councilor Lashua moved for approval of the modular building for the Parks Dept. at Jennings Park, Councilor Pedersen seconded and the motion passed with two Councilors in opposition: Councilors Cundiff and Baxter.

CURRENT BUSINESS:

1. Hilton Annexation.

City Planner Corcoran handed out vicinity maps to supplement information in the packets, stating the property is located east and south of Boulevard Grocery on Sunnyside Blvd. He said it is bounded on two sides by City limits and 100% of the property owners within the proposed annexation area are in favor of annexation.

Councilor Baxter moved that the subject property boundaries be accepted provided that upon annexation the property owners would be subject to the bonded indebtedness of the City and at a Comp Plan/zoning designation to be determined by the Planning Commission and City Council. Public hearing to be 2/26/90. Councilor McGee seconded the motion and it passed unanimously.

2. Demolition Waste Disposal.

City Administrator Sanden stated that the Newcastle landfill has now closed and so demolition and clearing waste now needs a place to go. She said the Health Dept. has passed a resolution asking developers to designate how and where their waste will be disposed of at the time of Master Permit Application. This would make local jurisdictions responsible at the permit stage, she noted.

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Councilor Baxter noted that this is a very difficult issue, that the county has no enforceable ordinance and City Administrator Sanden said the Health Department's resolution is an attempt to resolve a major problem with illegal dumping.

There was discussion about putting the burden on the Planning Dept. (at the permit stage), the Health Dept. administering this issue as opposed to the disposal dept., acceptable methods of disposal, WAC determinations and City Administrator Sanden said she could talk with other cities and see what they are doing. There was further discussion regarding interlocal agreements, who issues disposal permits, use of the Tulalip site.

City Attorney Allendoerfer noted that the Tulalip site is not for demolition waste, it is for organic and stump waste. He noted that if the City goes along with the Health Dept. resolution, we would be the policing agency. He pointed out that the Health Dept. wants developers to itemize exactly where they would dispose of asbestos, eg.

There was more discussion about Marysville being involved in the process and it was the concensus that this be continued.

NEW BUSINESS:

## 1. ULID Proposals.

Public Works Director Zabell referred to the packets, noting that the two ULID proposals are for "Roncrest" and "Lindal" sanitary sewer/annexation petitions. He noted that they could be done as one ULID or as two separate ordinances and he explained the location and situation of both proposals, adding that all residents are in favor of annexation in order to hook into City sewer at this time. He also said Roncrest would probably only require about 600' of main to hook into Oakwood Estates and could probably be done without a bond issue.

City Attorney Allendoerfer explained that any new sewer extensions are in jeopardy of being postponed at this time until Marysville gets the sewer lagoon in compliance with the Dept. of Ecology's requirements. He wanted to make sure that the residents are aware of the current situation. He added that the DOE has not responded to the City with regard to the expansion plans the City submitted to them but we could have a potential moratorium situation.

Councilor Lashua asked about the affect this would have on those wishing to annex when they are within RUSA and how the City and residents can both be protected.

City Attorney Allendoerfer said that any moratorium would probably be in place for only 6 months, until the aerators are installed, mainly. Public Works Director Zabell noted that the residents desparately want to get into a ULID and he cited several hypothetical situations/questions for the City Attorney. There was discussion regarding sewer connections and how much more effluent would be produced by these two very small annexations, grandfathering, sewer main extensions, a possible sewer moratorium.

Councilor Baxter pointed out that if the residents understand the situation and still wish to go ahead with their annexation/ULID proposals, then the City should go ahead in good faith.

Jack Sleasman of the Roncrest Addition addressed Council, stating they have a crisis in the septic system in their neighborhood. They are having to have their septic tanks pumped every 6 mos. to 2 yrs. and annexation would be no problem for the residents. He noted that 3 of the 15 lots are vacant and as soon as the sewer system comes in, there would probably be only 6 new hookups. He said it is not a large project but they need to do something now and probably should have done this a long time ago and don't want to have to redo their septic systems.

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Councilor Baxter concurred that the Roncrest Addition has poor soil and the septic systems will probably create a health hazard before too long.

Public Works Director Zabell noted that 12 hookups would not be very much problem, compared with 12 failing septic systems.

Councilor Baxter moved for acceptance of the informal petitions to annex and form ULIDs, with the City Attorney to prepare formal petitions. Councilor Lashua seconded and the motion passed unanimously.

## **2. Planning Commission Recommendations - Foothills Estates.**

Councilor Pedersen disclosed that she chaired the Planning Commission when this public hearing came before them. Bill Roberts, representing the applicant, had no objection to her remaining seated on Council.

Councilor Wright disclosed she was also on the Planning Commission at the time of the Foothills Estates public hearing. There were no objections to her remaining seated on Council.

City Planner Corcoran explained that the Planning Commission recommended approval of the Preliminary Plat of Foothills Estates subject to 11 staff recommendations.

At this point, City Attorney Allendoerfer made it clear to the Herald reporter that she must obtain permission from the Mayor prior to recording the proceedings for verbatim minutes.

City Attorney Allendoerfer questioned the \$125/lot offered by the applicant to Diking District 3 and City Planner Corcoran stated it is a voluntary offer, as is the \$200/lot for park mitigation.

There was discussion about the easements being included in the lot calculations, proximity of the property to Munson Creek, cul de sacs within the development.

Bill Roberts, representing the applicant, of 4129 76th St. NE, addressed the Council. He addressed questions regarding inclusion of the utility easements with the lot size calculations and noted that the 20' easement is not included in Lot 6.

City Attorney Allendoerfer noted that under staff recommendation/condition #6, the word "volunteer" should be inserted before "offer" to Parks & Recreation.

Councilor Lashua moved for approval of the Preliminary Plat of Foothill Estates including the Planning Commission recommendations 1 through 11 and changing condition #6 to read: Applicant will voluntarily donate \$200/lot for parks. Councilor Cundiff seconded and after a brief discussion regarding frontage improvements (interim and permanent), the motion passed unanimously.

Public Works Director Zabell noted that there should be a change to Item 4 to reflect the interim frontage improvements being accepted by the applicant. Councilors Lashua and Cundiff agreed to this addition to the motion and it passed unanimously.

### LEGAL MATTERS:

#### **1. Snohomish County Recycle Grant Program.**

Public Works Director Zabell explained a grant had been applied for last fall and the County has provided money for developing a comprehensive plan for solid waste.

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Councilor Lashua stated that as far as the agreement with the County, he would like the City Attorney to take a look at the hold harmless clause.

City Attorney Allendoerfer explained the agreement is a County (typical) form and the hold harmless paragraph is "tough but OK." He said his concern is with paragraph 5, where they can hire someone else to do Marysville's recycling and he said it is also not clear how much Marysville will be getting from the County ("up to \$50,000"). He noted also that Marysville is omitted from Exhibit A for some reason.

There was discussion about receipt of the grant money, the possibility of bringing in a consultant to do a study, each city having the responsibility to work out a plan for curbside pickup by 1991, grant would be to set up the program, the fact that the agreement does not give the County jurisdiction.

City Attorney Allendoerfer said approval of the interlocal agreement would be OK with renegotiation by staff of paragraph 5 and he said he would also like to make sure Marysville is getting \$50,000.

Councilor Cundiff moved for approval of the agreement, authorizing the Mayor to sign, with changes as recommended by the City Attorney. Councilor Wright seconded the motion and it passed unanimously.

## 2. Soundridge View Final Plat Approval.

City Planner Corcoran recommended approval.

Councilor Baxter moved to have the Mayor sign off the Final Plat. Councilor Weiser seconded and the motion passed unanimously.

City Attorney Allendoerfer noted that the developer will be paying money in advance (\$34,000) out of the proceeds for selling the plat and has requested the City to accept assignment of funds in lieu of actual funds for improvements to 64th.

### ORDINANCES & RESOLUTIONS:

#### 1. Ordinance Requiring City Sewer Customers to Utilize City Water Service.

City Attorney Allendoerfer explained this particularly pertains to homes in Sunnyside where PUD has their water lines for sale to City of Marysville. This would be a code amendment, it was explained.

There was discussion regarding the fact that the PUD lines are undersized and old and the developer being willing to extend Marysville water lines. There was also discussion about the old code and the impact the amendment would have.

Councilor Baxter moved and Councilor Wright seconded to approve Ordinance #1760.

Councilor Pedersen asked if property owners previously signed up would be grandfathered in (remaining on PUD lines) and City Attorney Allendoerfer stated they would be.

Public Works Director Zabell mentioned Eastwood Hills and the Griffore Annexation and there was discussion regarding approval of plats based on their having water and sewer, with recovery rights.

Bruce McKinnon, 7307 71st Av. NE, addressed Council stating they have a commitment for sewer and water and their intent was to bring Marysville water in because he assumed a bigger line would be needed than exists.

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Public Works Director Zabell also noted that anyone on PUD water wishing to hook up to Marysville sewer would have to get a variance. There was further discussion after which the motion to approve Ordinance #1760 passed unanimously.

**2. Ordinance Regarding Bayview Summit Rezone and Plat.**

Councilor Baxter moved and Councilor Lashua seconded to approve Ordinance #1761. Passed unanimously.

**3. Resolution Regarding Jones/Belmark Annexation.**

Councilor Baxter moved and Councilor Wright seconded to approve Resolution #1408 sending this annexation to the Boundary Review Board. The motion passed with Councilor Weiser against.

**4. Resolution Supporting Legislation that would Prohibit Convicted Felons from Carrying Concealed Weapons.**

City Attorney Allendoerfer explained this is something the City of Aberdeen wanted our support in; it's stronger than our current code. He added that the Marysville Police Chief would support this resolution 110%.

Councilor Lashua said he sees this as a first step in gun control and it would support State legislation down the road.

After further discussion, Councilor Cundiff moved and Councilor Weiser seconded to approve Resolution #1409. The motion passed with Councilors Baxter and Lashua against.

**5. Hotel/Motel Tax Interlocal Agreement with County.**

City Attorney Allendoerfer explained the County is to donate up to \$5,000 from the hotel/motel tax for the Visitor Information Center during the year 1990, with an interlocal agreement to be signed between the City of Marysville and the County.

Councilor Lashua moved and Councilor Wright seconded to authorize the Mayor to sign the interlocal agreement. Passed unanimously.

**6. City Council Compensation "during normal working hours".**

City Attorney Allendoerfer explained this wording is now very ambiguous and should be changed to define better what normal working hours are.

Councilor Lashua said he felt it should be rewritten to include evenings and weekends.

Councilor Baxter said he understood that the \$50/day is at the discretion of the City Administrator.

After discussion, it was the concensus to exchange the phrase, "during normal working hours" for, "excluding City Council meetings and workshops".

STAFF'S BUSINESS:

City Administrator Sanden reported:

1. That she and the Mayor will be attending an AWC Conference 2/7 and 2/8. (City Attorney Allendoerfer commented on lobbying and that any lobbying done by Councilmembers must be disclosed.)
2. That the Washington Cities Insurance Authority will be giving a training session for City Council people on 2/20 at 6:30 in the Whidbey-Camano Room at the Everett Pacific Hotel. She noted that City Attorney Allendoerfer will be the presenter and will cover such subjects as growth management, moratoriums, downzoning, no growth citizen groups, etc. She encouraged

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all Councilmembers to attend.

3. Regarding the Everett water pipeline - permit is anticipated from DOH within the next 2 wks. and then we will go to bid.
4. Regarding the sewer lagoon - City is meeting with DOE for an evaluation of the engineering study proposing 6.9 MGD which will take us up to the year 2030. She said one critical area is effluents in Ebey Slough.
5. Comp Plan - would like to get a consultant in to write text, compile data - proposal will be brought in for this soon.
6. Fire Study Committee - will be presenting a proposal soon to City Council.
7. Budget Amendments upcoming regarding the Planning Dept. move to the Public Works building, fire study consultant, Comp Plan consultant, Centennial person.

Public Works Director Zabell reported on ongoing negotiations re right of way at 47th & 528.

CALL ON COUNCILMEMBERS:

Councilor Baxter asked that the illegal parking in the alley near the Mall be checked into; that there's someone living in a travel trailer in the alley plus there are two out of state cars illegally parked there.

Councilor Pedersen asked about progress on hiring a hearing examiner and City Administrator Sanden said an ordinance needs to be in place before negotiations can be held; she stated they are working with the second person selected.

Councilor Pedersen asked for clarification regarding advertising open meetings, eg. if three or more Councilmembers are on a committee or attend a workshop.

City Attorney Allendoerfer explained it would only be considered an open meeting and need to be advertised if City Council has delegated some decision making authority to the group.

Councilor Wright commented on the informative AWC Conference and reminded everyone about the school bond/levy election tomorrow.

MAYOR'S BUSINESS:

Mayor Matheny appointed Councilor Cundiff to the Stillaguamish Sr. Center Advisory Board to replace former Councilor Hots.

City Administrator Sanden reported that a Notice of Violation may be coming with regard to our being in non-compliance with the sewer lagoon. She pointed out that our 1.2 MGD status has been exceeded but we have plans submitted for enlargement of the capacity of the sewer lagoon. She added that once a Notice of Violation is served on the City, this does help to get grant money for financial assistance with upgrading of the lagoon.

Councilor Baxter asked about the chronological listing authored by Larry Wade and there was discussion about it being informative and that it should be given to both the Herald and the Globe to keep citizens informed.

Councilor Pedersen asked for a copy of the Comprehensive Water Plan.

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ADJOURNMENT: 10:30 p.m.

Accepted this 12<sup>th</sup> day of February, 1990.

Rita Matheny  
MAYOR

Phillip E. Dexter  
CITY CLERK

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RECORDING SECRETARY