

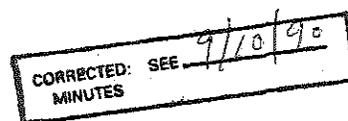
MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 4, 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  
 Jim Allendoerfer, City Attorney  
 Phil Dexter, Finance Director  
 Mike Corcoran, City Planner  
 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:

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

MINUTES OF THE PREVIOUS MEETING:

Councilor Weiser questioned Councilor Baxter's motion on page 3 of the 8/27/90 City Council Minutes, regarding Centex being prohibited from hooking up to sewer until the sewer moratorium/ban is lifted. He said he didn't think the word "ban" should have been used.

City Attorney Allendoerfer explained the ban is referring to section 2.1 of Ordinance 1795 and that it is clarified in the resolution to be proposed/approved later this evening.

Councilor Pedersen noted that on page 6 and possibly at other points in the minutes, "Regan" should be spelled "Reagan".

Councilor Baxter moved and Councilor Weiser seconded to approve the minutes of the 8/27/90 meeting as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Dean Williams, Snohomish County Auditor and resident of Marysville, addressed Council, requesting the City's participation in a local voters informational pamphlet being proposed for the upcoming election. He handed out booklets addressing this issue and noted that King County, in conjunction with the State, is in the process of preparing one this year. He said his office is always inundated for requests for information regarding city, fire district, school district issues that are on the ballot and if people don't know about an issue, they tend to vote "no". He said the Herald has a guide however every household does not subscribe to the Herald and the State has authorized distribution and resolution by the various cities for this informational pamphlet. He noted the suggestion is to mail to each household for the most effective coverage and he mentioned some of the other counties in the State who publish a voters informational pamphlet: Thurston, Clark, King, etc. and added that statistics prove a better turnout as a result of a voters pamphlet. Snohomish County would be getting the same printing price break as the State and it would be mailed out with the general election materials. He outlined the booklets he had handed out, noting that County Council is in favor of the pamphlet being printed and if all cities in the county participate, Marysville's proportion would only be \$407. The County has estimated (high) on the total cost, including mailing, to be about \$80,000 of which the County would be sharing and Mr. Williams said if it goes higher than \$80,000, the County will pick up the difference.

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Mr. Williams concluded by stating that "a better informed citizen makes a better voter" and that they are approaching all government entities in the County, to encourage them to help fund the voters informational pamphlet.

Mayor Matheny asked who else had indicated their support so far and Mr. Williams explained it is in the proposal stage only but there has been favorable response. He said he would suggest waiting until the County Council makes their final decision.

Councilor Baxter asked who would be making decisions about wording in the pamphlet regarding specific issues on the ballot and Mr. Williams said the pamphlet will include the pros and cons of each issue, the same way as the State pamphlet is done, there would be a committee out of the County office which would do the editing.

Mayor Matheny asked about terms of office and Mr. Williams explained he is eligible to run for another four year term.

Councilor Weiser asked about the cost of an election and putting an issue on the ballot in Marysville and Finance Director Dexter said it runs about \$7,000 to \$8,000.

Mr. Williams assured Council that the pamphlet idea has been well thought out--that King, Pierce, Kitsap, Clark and Thurston counties have been publishing voters pamphlets and Snohomish County has been learning from their mistakes and therefore eliminating a lot of startup and trial and error costs.

Councilor Baxter commented that voters do need to be informed and Mr. Williams stated the County would be advising the City of the County Council decision in the near future.

LEGAL MATTERS:

1. Contract with YMCA.

Bill Walker introduced the new Executive Director of the YMCA--Gary Bagland, who presented the contract for the Mayor to sign. He outlined briefly the upcoming programs at the Y and said he looks forward to working with the City and the Marysville School District.

City Planner Corcoran then explained that the Y is proposing a new facade for the building with labor and materials to be donated. He said they are requesting that the building permit fee be waived and the building inspection could be done in off hours, if necessary. He said he didn't know how much it would be in terms of cost.

City Attorney Allendoerfer said he would have to check into this because the City is only allowed to gift to the poor and infirm. It was noted that the Marysville School District actually owns the building and the property.

City Administrator Sanden pointed out that even the Public Works Dept. has to pay for its own building permit.

Discussion followed concerning the history of the school district taking over the building and property, the definite need for a better looking exterior, the contract being the issue at this point and the fact that the \$7500 grant has been previously approved by City Council.

Councilor Pedersen moved and Councilor Weiser seconded to approve the contract between the City and the YMCA and to authorize the Mayor to sign. Passed unanimously and the contract was signed at once by the Mayor and Bill Walker of the YMCA.

NEW BUSINESS:

1. Utility Variance Ordinance #1795, Erkki Kotilainen.

City Planner Corcoran explained that Mr. Kotilainen received approval of a short plat in 1989 and had an existing house on a septic tank and drain field but in the process of hooking up a new house, the existing drain field was damaged and so the applicant is now requesting a third hookup and variance under Ordinance 1795. He referred to Section 8.1 of the ordinance.

Bill Roberts, 4129 76th St. NE, addressed Council, representing Mr. Kotilainen and stated that at the time of approval Lots 2 & 3 had vested sewer rights and the applicant was hoping that Lot 1 would be able to stay on the septic tank and drain field. In the meantime, the drain field was damaged and in order to prevent a health problem, the renters in the house on Lot 1 have been moved out, he said, and the applicant is now requesting a variance from the moratorium because he does not have enough room for another drain field on Lot 1.

Councilor Lashua asked if the houses on Lots 2 & 3 are presently hooked up to sewer and water and Mr. Roberts stated yes and added that the short plat was approved for 2 & 3 prior to the moratorium and while constructing 2 & 3, the sewer line and drain field was interfered with on Lot 1. All three buildings are single family dwellings, he said.

City Attorney Allendoerfer pointed out that Lot 1 is actually an illegal lot (only 7700 sq. ft.) for a septic tank and drain field because the county requires 12,500 sq. ft. minimum.

Mr. Roberts stated that is correct, but that Mr. Kotilainen did not know exactly where the drain field was, the house was built about 1940 and there were no proper records or indications of where the drain field was and it was assumed it was in the front yard, not on the hill.

Councilor Baxter agreed the drain field is in an odd place, that it would not be assumed that it would be on the hill, as it was discovered to be.

Discussion followed regarding short plat recording conditions, Mr. Kotilainen's lack of knowledge of where the drain field was, whether or not this is a self-generated hardship, one of the stubouts could have been used but the assumption was the drain field was out front, in 1940 there were not the same requirements nor records of where the drain field is, septic tank lower than was known, alternatives with a temporary system, this case being similar to Osborn's situation, this being a substandard lot now but with good drainage (all sand).

Mr. Roberts said his client would like some assurance that eventually he could hook up to the City of Marysville sewer if and when the (temporary) drain field fails.

City Attorney Allendoerfer pointed out that Mr. Kotilainen would have to hook up in a year anyway, according to the ordinance approved at last City Council meeting.

Councilor Lashua asked about the no net increase stipulation in this case and Mr. Roberts said they might be able to put in a "repair system" at this point and there could be some pretreatment also with a hookup to the Marysville system in about 2 years, after the moratorium is lifted.

Councilor Baxter said he doubted they would be able to get that kind of a permit from the County.

Councilor Pedersen moved to deny the request without prejudice, under 2.1 of Ordinance 1795. Councilor Cundiff seconded.

CORRECTED: SEE MINUTES

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City Administrator Sanden explained that Mr. Robert's proposal does not comply with either Ordinance 1795 nor "no net increase".

The motion passed unanimously to deny the request without prejudice.

**2. Right of Way Encroachment, 314 State Avenue, Peter Contoravdis**

Mr. Leonard Guthrie addressed the Council, explaining they need a variance for a 3-1/2" allowance around the north side of the building which would narrow the 4th St. sidewalk down to 6'9". The extra 3-1/2" is so they can match the brick work on the face of the building with the building next to it (Conto's Pizza).

Councilor Lashua asked the City Attorney about a hold harmless agreement and City Attorney Allendoerfer explained this would be a permanent encroachment, that the code only addresses temporary encroachments and further he did not see the necessity of a hold harmless agreement.

Mr. Guthrie submitted some photographs and noted there is a "patch" between the sidewalk and the building of 9".

There was further discussion and comments about the building being an improvement, discussion about neighboring sidewalk widths.

Councilor Cundiff moved and Councilor Pedersen seconded to approve the request. Passed unanimously.

PRESENTATION:

**1. Snohomish County Tomorrow.**

Councilor Lashua made reference to the booklet and memo from the Snohomish County Tomorrow Steering Committee. He read the memo and a letter outlining the functions of the Snohomish County Tomorrow group and explained the planning process in conjunction with surrounding jurisdictions and in compliance with HB 2929.

City Planner Corcoran showed slides (while Councilor Lashua narrated) depicting projected growth in the next 30 years, land demand, employment opportunity statistics, makeup of Snohomish County Tomorrow/Partnership for Tomorrow groups, mission statement of the steering committee. Main topic areas being addressed are:

1. Preserving rural and residential areas/land.
2. Preserving ag and forestry lands.
3. Preserving the natural environment.
4. Mitigation and reduction of negative impacts.
5. Maintaining quality of life and yet meeting needs of citizens.
6. Densities/Open Space buffers.
7. Urban Use Management
  - transportation
  - high density without sacrificing quality of life
  - Urban Area Boundaries.
8. Parks & Recreation.
9. Housing issues
  - federal funding
  - affordable housing
  - commuting
  - variety of housing types
10. Transportation.
11. Infrastructure.
12. Economic development.

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13. Civic and Cultural Resources.
14. Education.
15. Growth patterns
  - land use
  - comprehensive plans
  - defining Urban Area Boundaries.
16. Governmental Roles and Responsibilities.

Councilor Lashua stated that there have been at least 18 meetings in the last six months and Snohomish County Tomorrow is looking to surrounding jurisdictions for support in their efforts.

Councilor Lashua and City Planner Corcoran were thanked for their many hours of attending and participating in the meetings by the Mayor.

City Planner Corcoran stated they are working with 2929 and he spoke highly of the Snohomish County Tomorrow forum with a diverse representation from cities, school districts, etc. He also noted that \$717,353 has been granted the County (for two years) to assist with growth management, especially in addressing such issues as flood plains, aquifers, forestry and ag lands, minerals, wetlands and other environmental issues, establishing Urban Area Boundaries.

Councilor Pedersen asked if this information has been shared with the Planning Commission as yet and City Planner Corcoran stated it will be, that "mixed use" is being stressed at the county level and that's been discussed with the Planning Commission already. He added that they are looking at doing a housing inventory with a review of other areas as far as high density, design that will mitigate high density, minimizing sprawl, maximizing services within the Urban Area Boundary. He assured Council that the Planning Commission will also be receiving a copy of the booklet distributed with the Council this evening, containing the SCT goals and mission statement, etc.

Councilor Weiser asked about establishment of the Urban Area Boundary and City Planner Corcoran said the Office of Financial Management will be helping out with that and it depends largely on the "sphere of influence" for Marysville, which has not been clearly identified as yet. Both the county and city are using the same PSCOG population forecasts, he noted, with a 100,000 population increase coming into the rural areas over the next 20-30 yrs. with Marysville to see about 6-8% of that population increase.

Councilor Weiser asked with an Urban Area Boundary a potential annexation area, who decides if there is a boundary upon which two jurisdictions can't agree?

City Planner Corcoran stated a State Review Board, probably similar to DOE's Shoreline Review Board.

Councilor Pedersen expressed appreciation to Councilor Lashua and City Planner Corcoran also.

Councilor Baxter noted there are a lot of ideas and groups working toward these growth management issues and wondered if SCT would be like a "clearing house" for ideas.

Bob Hascal (from the audience) addressed Council, stating he lives on the Tulalip Reservation and would like a copy of the information presented tonight. He expressed a concern about information not getting out to the citizens until too late and said he encountered a similar situation in Mill Creek not long ago.

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Councilor Lashua stated the Tulalip Tribes are being represented by Peter Mills at the SCT meetings and there are also representatives from the Regional Library, planning departments, there are articles in the newspapers, etc.

There was discussion about dissemination of this information, noting the need to have City Council review and bring this up again next meeting, goals to be endorsed.

Councilor Baxter moved to continue this discussion and goal endorsement to next week, allowing Council time to more thoroughly review the information presented this evening. Councilor McGee seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

**1. Resolution Granting Variance to Sewer Moratorium - Centex Homes.**

Councilor Weiser had a question regarding Section 4 of the proposed resolution regarding lifting of the moratorium. He said he feels there is conflict between Ordinance 1763 moratorium and Ordinance 1795 "ban".

City Attorney Allendoerfer explained he has never made a distinction there, that Centex may connect when the 2.1 "moratorium" is lifted and may hook up to the sewer system with no service until the sewer moratorium is lifted.

Councilor Baxter moved to adopt/approve Resolution 1442. Councilor Wright seconded and the motion passed with Councilors McGee and Pedersen opposed.

**2. Washington DOT Traffic Control Inventory/Contract with City.**

City Attorney Allendoerfer explained that DOT has requested an inventory be done of all traffic control signs in the City of Marysville and will pay the City \$1500 to do this, out of Federal 402 funds.

There was discussion about why this inventory is needed, whether it might be a waste of money, to table approval or disapproval until Dave Zabell gets back from vacation. City Administrator Sanden noted that last year an inventory was taken of all roadways and the inventory of the traffic control signs is probably going to be entered into DOT's computer so that they may better evaluate funding, maintenance and construction needs on a statewide basis.

There were comments regarding how federal funds are allotted and it was the consensus to continue this matter to the next meeting (9/11/90).

**3. Northwest Energy Code - BPA/PUD Funding Contract with City.**

City Attorney Allendoerfer explained that BPA has submitted a contract about 100 pages long, but basically, it covers all aspects of funding and reimbursement as previously approved by Council--\$444,530 total to be granted in services and cash: \$408,000 from BPA and the balance from PUD, he said.

Councilor Lashua asked about the method of payment and City Planner Corcoran said reimbursements would be made as requests were submitted; that the funding will be good for two years and hopefully the moratorium will be over in time to get some benefit from the grants.

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Councilor Lashua moved and Councilor McGee seconded to authorize the Mayor to sign the contract. Passed unanimously.

**4. Quil Ceda/Allen Creek Watershed Utility - County Tax.**

City Administrator Sanden explained this is something that needs to be adopted in accordance with the terms of 2929. It helps the City work with the County in allowing funding for property acquisition and this program would also help mitigate impact on the watershed, but the County Auditor needs to budget for 1991. She added that the County is anxious to have this tax approved and would be willing to make a presentation to Council.

There was discussion about this being "another tax" on every property owner in Marysville, not just the ones where the creeks run through; prior discussions have addressed this issue with the county, joint efforts, \$22 per year for residents, Clean Water Act requiring storm water to be treated.

City Administrator Sanden said this will help us fund something we have to do anyway and for some reason, the City's program has been put on the back burner while the County's program is now in place. There is a 5 or 6 year sunset clause, she said.

There was further discussion about the need for protection of the creeks and streams, treatment, retention of storm water, design and development costs being high, the need to keep the public/taxpayer informed, brochures to private citizens, erosion control, funding usually not as high as the need. It was noted that the proposed utility does address such issues as infiltration, storm water detention, channeling and stream rehabilitation, also, that Marysville did adopt a storm drainage utility with \$490 to be paid at the time of new development in order to mitigate impacts and help with storm water detention pond construction and maintenance.

City Administrator Sanden added that this \$22 per household is not charged on undeveloped land.

Councilor Lashua noted this was tried before and failed and the County has now simply found a different way of getting the tax, by pinning it on Quil Ceda and Allen Creeks.

City Attorney Allendoerfer pointed out that the information was received in June and some action needs to be taken by City Council.

The consensus was that the County should make a presentation at an open public hearing.

**5. Contract with Ridon Enterprises for Consulting Services.**

Councilor Weisor moved and Councilor Lashua seconded to authorize the Mayor to sign the contract with Ridon Enterprises, as previously discussed and approved by Council. Passed unanimously.

**STAFF BUSINESS:**

City Administrator Sanden said as far as handouts for the Fire Dept. presentation on Saturday, they do not have anything this time to hand out; it will be a workshop only and no decisions need to be made immediately. She reminded Council of two upcoming seminars - one in Tacoma on 9/17 on Financing Infrastructure and the other on Economic Development at Ocean Shores Oct. 2-5.

As far as parking for the Library, City Administrator Sanden sug-

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gested Councilor Cundiff talk with Jim Ballew who is going to be discussing this with the school district. She also reported that Harv Jubie has offered to pay the building permit fee for the YMCA, previously discussed this evening.

CALL ON COUNCILMEMBERS:

Councilor Lashua asked about the use of alum in the sewer lagoon and City Administrator Sanden stated we had just started using it and as yet have not seen any positive results.

Councilor Lashua pointed out a typo in the Six Year Road Improvement Plan, #3 should be the intersection at 64th & 67th.

Councilor Cundiff questioned why some of the projects had to be "wintered over" and it was explained there are right of way problems. He also asked about the industrial violators in the sewer lagoon and City Administrator Sanden said they started by approaching the largest offenders first and will be continuing to follow this up on a regular basis in order to try and prevent the City's violation status.

Councilor Wright mentioned that there has been some property damage along State with beebees and sling shots and it is thought this may be connected with the "cruisers".

There were some comments regarding cruising problems, various busy spots, speeding, posting of parking lots, otherwise police have no authority.

Councilor Baxter asked about continue negotiations with Arlington regarding boundary agreements, noting that they are presently considering annexing down to 152nd (Brost).

City Planner Corcoran noted that the Urban Area Boundary according to the county for Marysville is to Smokey Point, east of 51st, but Brost may be annexed into Arlington.

Discussion followed concerning water and sewer services of the two cities, jurisdiction boundaries, Smokey Point being better off in Marysville or Arlington, Urban Area Boundaries, reopening negotiations with Arlington, wetland study, Army Corps of Engineers definition of wetlands.

Councilor Baxter said he has had at least 3 people ask him about why Marysville hasn't continued with the negotiations with Arlington and there were some comments regarding the Comp Plan meetings/public hearings, sewer and water problems, communications and/or lack of communications between Arlington City Council and Marysville City Council; the consensus being this would be a good topic for the workshop on Saturday 9/8/90.

Councilor McGee asked about an agenda for 9/8 and City Administrator Sanden said it would be distributed at the Friday briefing and as far as staff present, she anticipated (for the afternoon workshop) Mary Swenson, Dave Zabell, Mike Corcoran, Bob Kissinger, with Claus Schilding from the County as the luncheon speaker.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:35 p.m.

CORRECTED: SEE 9/10/90  
 MINUTES

1. Real Estate.

RECONVENE AND ADJOURN: Approx. 11 p.m.

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Accepted this 10 day of Sept., 1990.

Rita Matheny

MAYOR

Phillip E. Dexter

CITY CLERK

Wanda A. Iverson

RECORDING SECRETARY