

MARYSVILLE CITY COUNCIL MINUTES

SEPTEMBER 23, 1991

7:05 p.m.

Council Chambers

Present: Rita Matheny, Mayor  
Councilmembers:  
 Ken Baxter, Mayor Pro Tem  
 Dave McGee  
 Dave Weiser  
 Donna Pedersen  
 Donna Wright  
 Lee Cundiff  
 Bob Lashua

CORRECTED: SEE 10-7-91  
MINUTES

Administrative Staff:  
 Carolyn Sanden, City Administrator  
 Grant Weed, City Attorney  
 Phil Dexter, Finance Director  
 Roger Kelley, Community Information Officer  
 Dave Zabell, Public Works Director  
 Jim Ballew, Parks & Recreation Supt.  
 Lloyd Taubeneck, Streets Supt.  
 Doug Ronning, Fire Chief  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:05 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 PREVIOUS MEETING:

Councilor Lashua noted on page 2 in the 4th paragraph from the bottom of the 9/9/91 minutes that the word "pedestrial" should be "pedestrian". Also, in the 4th paragraph from the top of page 2, it states there are no sewer bonds to be paid and in fact there are, so this needs to be corrected, he said.

Councilor McGee moved and Councilor Wright seconded to approve the 9/9/91 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

Public Works Director Zabell reported on the PUD Overlap Area, stating that the RUSA Committee met this afternoon regarding the overlap issue and there were three options discussed. It was decided that the City should hold a couple of premeetings and discuss the boundary option that recognizes existing conditions, water pressures, etc. For example, he pointed out that if the Sunnyside area were to develop further, the present system would not be able to handle the fire flow and needs. The committee is going to get conditions in writing and bring them back to City Council for presentation to the PUD.

Councilor Lashua asked about a tentative date for a meeting with PUD Commissioners and City Administrator Sanden stated none has been set as yet.

MAYOR'S BUSINESS/PRESENTATION:

Mayor Matheny read a Proclamation proclaiming 9/29 to 10/5/91 Lloyd Taubeneck Week and presented him with a plaque for 40 years of City service. It was also announced that the name of the Public Works Building will henceforth be the Lloyd Taubeneck Building and the Mayor thanked Lloyd for his 40 years of dedicated service.

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Lloyd accepted the plaque and proclamation and gave a brief history of what the City was like when he first started 40 years ago. He said he was in charge of four departments at that time, each having one person. There were 15.5 miles of streets then compared to 55 miles now, the budget for the Streets Dept. was \$85,000 compared to a \$3 million budget now and that the City only had four pieces of street equipment 40 years ago. He said it has been a very rewarding experience to work with the City and be a part of all the changes over the years.

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Mayor Matheny announced an upcoming vacancy on the Planning Commission and said they needed someone from within City limits to fill the position being vacated by Gail Rauch. She noted that 3 people have expressed an interest to date but anyone else should contact her soon. It was the consensus that the Mayor would interview the candidates, bringing their resumes to the next City Council meeting.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about annexation packets and City Administrator Sanden stated the City has a letter now and are working on a packet to send out to people who are in a proposed annexation area and/or become annexed. She noted that nothing has ever been sent out in the past.

Councilor McGee asked about the possibility of a right turn signal at 3rd & State and Public Works Director Zabell said he would follow this up with the State as it is a State traffic signal at that corner.

Councilor Weiser asked that the Tom Withers lawsuit be followed up in Executive Session.

Councilor Baxter personally thanked Lloyd Taubeneck for his 40 years of special dedication to the City. He asked about the City Hall roof project and City Administrator Sanden said there's a letter that came in but she had not read it yet. Status would be put in the Friday briefing, she said.

Councilor Pedersen asked about the post office boxes to be put in the back of the post office and Public Works Director Zabell said there are several other street projects that have taken priority but that it would be attended to soon.

Councilor Pedersen said that in reference to the City Council budget, there's a reserve fund which she feels gives an inaccurate picture of the actual budget and she asked if that could be separated out. City Administrator Sanden stated it could be. Councilor Pedersen added that there are a lot of things under Miscellaneous and Professional Services in the budget and she said she would like to see more of a breakdown, i.e., she would like to know and have more itemization.

City Administrator Sanden noted that "Miscellaneous" includes seminars, membership dues, publications, etc. but Councilor Pedersen said she wished to see as much itemization as possible and that it may be more work this year, but she felt it will save time in the long run.

Finance Director Dexter said the attempt was to refrain from too much detail in the budget itself; that the detail comes out in the Budget Committee meeting.

Councilor McGee suggested "subsidiary schedules" and Councilor

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Pedersen suggested perhaps the City Council could get a copy of the breakdown that the Budget Committee receives. She added that she felt that anyone should be able to know what the City is spending their money on. She noted also that there can be a lot of misunderstandings, for example, and another thing she would like to see is a breakdown of office supplies, too.

Councilor Weiser said he tends to agree with this request because it's very difficult to remember what each item is for once the Budget Committee meeting is over.

City Administrator Sanden said more work could be done with the bars code and Councilor Baxter pointed out that there has to be a line item budget at some point, anyway and this would be a useful tool for Council.

Councilor Pedersen asked that the City Administrator's Contract be discussed under Executive Session and it was the consensus that this would be appropriate.

Councilor Cundiff asked about the hold up on the Grove Street improvements and Public Works Director Zabell stated the appraisals are still being reviewed for the right of way, that the City is ready to go but the appraisal issue needs to be settled first.

Councilor Lashua reported that the street lights he reported malfunctioning have now been repaired by PUD.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Raymond Baron, 8116 55th Av. NE, addressed the Council and stated he has a concern about traffic flow (or lack of it) at 51st & Grove. He noted the traffic control there now is outdated and no one can turn left onto Grove off 51st, with hedges in the way, etc.

Public Works Director Zabell explained that's the project Councilor Cundiff had just asked about and that the Grove St. project includes widening of Grove.

Councilor Pedersen asked about putting a signal in at 51st & Grove and Public Works Director Zabell stated it would cost about \$120,000, that a 4-way stop would be a lot cheaper and that is a viable solution, which he would have the State check into and bring a recommendation back to Council. He explained that the intersection needs a warrant analysis done.

Councilor Cundiff said he agreed a 4-way stop would work in the meantime as opposed to what's there now.

Councilor Pedersen asked if a traffic count could be done at 55th & Grove also, as this is another difficult corner to make a left turn at.

Gary Petershagen, 505 Cedar, addressed Council and referred to information in the packets concerning a 40 acre parcel not being included in the Urban Growth Boundary Area. He noted that it has been requested that this be included for several months now and he noted that this parcel was discussed at the 8/19/91 workshop.

City Administrator Sanden agreed this area should be discussed further and Mr. Petershagen pointed out that he had been told to come back after the 15 planning areas have been discussed by the Planning Commission but they would like a decision made sooner, if possible.

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Councilor Pedersen asked who determined the use of this property and Councilor Baxter said he knows it is definitely not Ag. City Administrator Sanden stated the Planning Dept. had excluded from the Urban Area Growth Boundary any areas that were identified as Ag.

Mr. Petershagen said the boundary should be correctly drawn on the east vs. the west side of the property known as "Marysville East."

Councilor Weiser commented that as the City has gone through the process of determining the Urban Growth Boundary, the boundary has in fact "shrunk", that it was stipulated that these boundaries were not cast in concrete, but he said he wondered if the "concrete" is starting to dry too much on this issue and would like to see some action soon.

Bill Roberts addressed Council and stated that he started working on this for Belmark in 1976 and at that time it was zoned Residential 7200 sq. ft. with existing sewer and water but it was excluded from the RUSA boundaries for some years. He said the history for it being residential and not ag, has been there.

Councilor Pedersen asked what stage the Urban Growth Boundary process is in at this time and City Administrator Sanden said it was sent to the County 9/1/91 and it was to be considered as a starting point only, with the interlocal agreement to be negotiated along with the maps. She stated this area could be flagged and corrected with the County at this point, if this is the wish of the Council.

Councilor Baxter said the only reason it stayed out of the UGB is because it was outside the RUSA boundary that was adopted, but he said he felt some sincere effort needs to be made on the City's part to correct this with the County at this point.

Bill Roberts stated the County zoning is Residential 12,500 with one dwelling unit per acre residential land use designation.

There was discussion about the definition of the Urban Growth Area, the fact that this property should be included in RUSA, Ottercrest being served by City water and sewer, part of the reason for excluding this property may be in order to square off City boundaries, this area not being part of the County Preservation Plan/Ag Conservation Plan, poor maps in packets, better maps should be reviewed so it's clear where the boundaries should be, also the UGB map should be brought back, the one that was agreed in committee meeting, legal steps to revisit/correct/modify UGB.

City Attorney Weed stated it would just take a letter of notification to the County listing reasons for wanting to change the boundaries.

Councilor Baxter said he felt it imperative that the time be taken to determine Ag land and where the boundaries should be. He said he does not feel it's something that should be negotiated.

Councilor Pedersen said she would like to look at the matter further (i.e. 10/7 Council meeting) with more detailed maps, information, etc.

Councilor Weiser moved to continue this matter to 10/7/91 and Councilor McGee seconded. It was discussed that if it is an extremely full agenda that evening, a premeeting could be held prior to the regular Council meeting. Passed unanimously.

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PUBLIC HEARINGS:

**1. ULID No. 18.**

Public Works Director Zabell referred to the information in the packets and noted the Preliminary Assessment Roll, prepared by Hammond, Collier & Wade-Livingstone Assoc. is in the total amount of \$51,730.

Mr. Wade stated the notices were sent out on 9/5 with two notices returned for Lot 8 which first went to Wallace and then Thompson and it is not known who the owners are of that lot. He stated the method of assessment is on a per lot basis, with the total of \$51,730 divided by 15 lots, which equals an assessment of \$3,448.67 per lot. He did note there is an exception with the Nobach property because it has no access to 86th Place and should not be assessed under this ULID. Mr. Wade stated Mr. Nobach was to send court documents, however the City/Consultants have not received them as yet and so Mr. Wade said his recommendation would be that the assessment roll remain until the documents come in justifying a zero assessment. If that's the case, he pointed out Nobach's assessment would have to be made up by the other property owners, which would be an additional \$250 per lot, approximately.

There was discussion and comments regarding Lot 2-060 not having access and what happens in the future if it's developed/subdivided, in which case they would be required to extend the water main down their private road. Mr. Wade concluded that he recommended the per lot method of assessment.

Doug Ronning, 5604 86th Pl. NE, addressed Council as one of the property owners and stated he is in favor of the ULID being formed.

No one in the audience wished to speak against this matter and the public hearing closed at 8:11 p.m.

Councilor Baxter moved and Councilor McGee seconded to adopt/approve Ordinance #1858 and the motion passed unanimously.

CONSENT AGENDA:

**1. 9/23/91 Claims in the amount of \$384,426.04.**

Councilor Baxter moved and Councilor Wright seconded to approve Consent Agenda Item #1. Passed unanimously.

REVIEW BIDS:

**1. Centennial Book Production.**

Parks & Recreation Supt. Ballew referred to the information in the packets and recommended acceptance of the bid from Valco of Seattle in the amount of \$18,804.00 for 2,000 Centennial books.

There were some questions about proofing, dust covers vs. hard covers and Councilor Baxter said he would like to review the book briefly for errors prior to it being printed. This was agreed and he then made the motion to accept the bid as recommended by staff. Councilor Weiser seconded and the motion passed unanimously.

**2. Second Street Improvement.**

Public Works Director Zabell referred to the agenda bill in the packets, noting that staff recommends approval/acceptance of the

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bid from Wilder Construction for \$241,110. He stated that the projected budget had been \$200,000 plus \$75,000 for maintenance and the \$241,110 includes both. The project would be completed within 45 days.

Councilor Pedersen moved and Councilor Cundiff seconded to approve and accept the Wilder Construction bid as recommended by staff. Passed unanimously.

**3. Lloyd Taubeneck Building Parking Lot Paving.**

Public Works Director Zabell explained that Wilder Construction was the low bidder on this project also, coming in at \$14,612. Staff recommends approval.

Councilor Lashua moved and Councilor Baxter seconded to accept/approve the Wilder Construction bid, as recommended by staff. Passed unanimously.

CURRENT BUSINESS:

**1. Golf Center - 30 Day Report.**

Don Boone, 7404 66th Av. NE, addressed Council, stating golf balls are still coming into their yard. He asked permission to read a letter from one of the neighbors (Ralph Druckman) who wished to enter comments into the record regarding the new nets. The letter stated that the new nets have reduced but not eliminated balls coming into the yards. It was reported that last week a ball landed in the Druckman's back yard no more than 3' from the sandbox, narrowly missing the four children playing there. The letter said the neighbors wished all the fixes made and tested and until that time, the golf center should be closed down because there is too much danger involved in this operation.

Mr. Boone then read a brief memo/letter from his wife, Dolores Boone, asking about the engineers and whether Mr. Ramcke could provide proof that the engineers have experience with pole extensions, etc. She also asked that Mr. Ramcke be required to show his sincerity to resolve the problem of errant balls by posting a \$50,000 bond. She said if extension nets prove not feasible, she would like to see the conditional use permit rescinded because of the golf center not being in harmony with the neighborhood. She explained that the balls are still coming over the nets at an average of two a day and all she wishes to prevent is a serious injury and would like the City Council to assist in this regard.

Councilor Lashua asked what kind of bond was proposed and Mr. Boone stated the bond would be to make sure the poles are ordered, i.e., proof that a down payment has been made on the poles, not just taking someone's word for it.

Councilor Pedersen asked which criteria they feel are not being met and Mr. Boone said in particular, they are concerned about the nets (or lack of nets) around the stalls. He said everyone thought the golf center was going to put up the nets they used to have and those were more effective. He added that no one has been seen working on the poles at all, either.

Bob Denby, 17824 Marine Drive, Marysville Golf Center employee and golf instructor, addressed Council and stated he testifies on his own, without being asked by the Ramckes. He said the netting as fixed so far between the hitting booths has done a tremendous job, so far. He stated the center has been faithful in recording the people using the driving range, however, it's still very difficult

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to make any identification of an errant golfer; it's very difficult to tell where they are coming from when they are not being reported, also. He suggested that perhaps there are tears in the fence because he does not know where the balls are coming from. He pointed out that there are thousands and thousands of spectators during the pro golf tournaments all the time and he is not trying to suggest there is no hazard in being hit by a golf ball, but it may not be the hazard that people are emotionally bringing up, he said. He stated the golf center has a very serious attitude about doing this properly, Mr. Ramcke is not in any way a malicious person and is trying to diligently comply with the City Council and neighbors' concerns. He stated he only heard about one complaint the other day but they have been generally without complaint, although they have had quite a bit of malicious mischief incidents, he said.

Lynn Jefferson, 7321 66th Av. NE, addressed Council, stating they got 6 golf balls in their yard this last weekend. She admitted the golf center is making an effort to curb the balls but Mr. Ramcke needs to complete the improvements, she said. She pointed out that they can't sell their house because of the stray balls, which they had to admit come over the nets, to the prospective buyers.

Vicki Carver, 7314 66th Av. NE, addressed Council, stating there are a few balls coming over still, it's better, but their concern is whether Council is going to allow them to go back to woods on the north side of the golfing range. She noted that there's a hole in the back window of one of the houses they are trying to sell on the cul de sac and she said she was in the street the other day and heard two balls come over the nets.

Councilor Weiser asked if she reported those two balls and Ms. Carver stated no, it was not convenient for her to do so at the time but that she will next time.

Kurt Ramcke, Marysville Golf Center owner/operator, then addressed Council and reported that in connection with the netting installed, he feels, as do the pros, that it's working well. He stated that a couple City Council people have observed that it's working well and that he has monitored it on a busy day--134 balls were collected on a Saturday, for example. He then listed all the people he has been talking with concerning the pole extensions-- Cal Larway of Baker Engineering, who didn't have the expertise; Columbia Pacific Aluminum who produce the extrusions and make the special "I" beam to be installed on top of the existing poles, which has been done in the Bellevue driving range, he said. He said he also talked with Clark Johnson of Everett who wants to come out and do some soil testing. Mr. Ramcke pointed out it's a very complicated process and he wants to do it properly. He has also been talking with Coast Crane of Seattle who would be ready to come out with their high rangers once the pole extensions and nets are ready to go. He pointed out that there is no 100% guarantee from him or anyone else that no balls will ever go over the nets, even 100 foot nets, even the professionals can't guarantee that, he said. He said if a 100% guarantee is what the people of Marysville want, then they might as well shut him down tonight, because he can't guarantee that no balls will go over the nets.

Councilor Pedersen pointed out that it was the neighbors' feeling that Mr. Ramcke did not install netting around all the stalls and Mr. Ramcke stated they have installed netting around 28 out of 34 stalls, there are 6 stalls right in the center without netting, in the teaching area where they just each swing and no woods are used

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With regard to the log, he said, that is working out well and makes the golfer aware that the center is keeping track.

Councilor McGee asked when they would have all their data prepared and Mr. Ramcke said the UW did not want to get involved, that the MGC is open to any suggestion City Council wishes to make at this point.

Councilor Baxter asked about the proposed City driving range nets, engineering reports, etc. and no one could remember. He suggested Don Shaw be called.

Mr. Ramcke stated he talked with Rod Harris and Bellevue just put up what they thought would work, they did not have any engineering done. Pacific Aluminum can't give him a date for delivery but estimate November, he said.

Mayor Matheny asked if he has anything in writing and Mr. Ramcke said he had nothing from any engineers and is open to suggestions and welcomes the neighbors to call the people he has mentioned tonight. He said he is very concerned about the netting falling down and doesn't want to put up something that's not going to stay up. He said he had one call last Thursday about one ball going over, but that's only one out of 67,000 balls hit, which he figures pretty good odds. He explained that on a busy day, they may have 15 juniors and 10-12 adults on the north side but they have never been filled up completely.

Councilor Weiser stated it was his understanding all the stalls were to be netted, including teaching stalls but Councilor Cundiff said he did not remember that agreement.

Mr. Ramcke said they have 2-3-4 people at the most with 5 irons in the teaching stalls and discussion followed concerning Saturday morning junior teaching class and the impossibility of a junior hitting a ball over the net, the desirability to not have nets in the teaching area.

Bob Denby pointed out that if the neighbors have all the balls they say they do, it represents a sizable amount of money, at 40 cents a ball!

Councilor Pedersen asked how many employees are usually on the premises at any one time and Mr. Ramcke state 2-3. He has a total of 5 employees, he stated.

Councilor Baxter left Council Chambers from 8:55 to 8:57 p.m.

Councilor Pedersen summarized that there has been some progress made at the driving range but she is hearing the neighbors saying they would like something done about the few balls that are coming over still. She stated she thinks it important for the neighbors to be able to feel safe and not have to stay home and guard their houses 100% of the time. She suggested a teen be hired to watch for errant balls and/or an employee observe damage that the balls are doing and/or where the balls are coming from.

Councilor McGee said it seems to him that the big problem is no control/patrol/observing and no one being able to determine who is hitting the balls over, where and when.

Mr. Ramcke stated the biggest problem is the "cowboy" golfer who comes in and asks to use a driver. Mr. Ramcke stated the golf center is no longer giving out drivers to be used but further, it is very difficult to tell who is hitting the balls over.

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Councilor Pedersen said she feels the MGC is meeting criteria but that the neighbors should have the burden of responsibility taken off them.

Councilor Weiser said he feels there are things that Mr. Ramcke can do, such as installing the extensions, keeping everyone to the north side, etc.

Mr. Ramcke pointed out that the junior camp is on the south side, then they go to the north side, with older ladies maybe to the south side, in that priority.

Councilor Wright asked if the extensions have been in fact ordered and Mr. Ramcke said yes, although the company could not give him an exact price because the price of aluminum fluctuates from day to day, but they will probably run \$2800 depending on the price of aluminum on the day they are made.

Councilor Lashua said his concern is with the extensions of time--that Mr. Ramcke has had two 30 days extensions given so far and the neighbors are right, this could very well drag on and on.

Councilor Baxter asked if Mr. Ramcke can't get an engineer, if the extensions would be installed anyway and Mr. Ramcke said he doesn't feel he has any other choice--either put them up or go out of business.

Councilor Pedersen asked the City Attorney what options the City has at this point.

City Attorney Weed pointed out that the City had extended the time period for the pole extensions but with no date specific to have the items completed and tonight's meeting was to review progress only.

Councilor Pedersen asked if it is felt that the extensions are going to take longer than anticipated, if some interim conditions could be placed to resolve the neighborhood issues and City Attorney Weed stated the matter would have to be scheduled for another public hearing in the case of substantial changes, such as new conditions.

Councilor Cundiff pointed out that when the resolution was made, it was known at that time that the pole extensions would not come in until October.

Councilor Pedersen asked if Mr. Ramcke would consider putting additional measures in place to try and help the neighbors in trying to determine where the balls are coming from and Councilor Cundiff asked if he would be opposed to hiring someone to watch the golfers and also, he noted, it would behoove the neighbors to report any errant balls immediately.

Councilor Lashua said he sees some progress being made which proves Mr. Ramcke is doing something.

Mr. Ramcke pointed out that unless you stand behind the individual it's very difficult to observe the balls and he added that he feels they have done a lot so far to resolve the issues.

Councilor Pedersen stated she feels the neighbors should not have to stay at home all the time to report balls, either.

Mr. Ramcke reiterated that it's very difficult to see a ball 250 ft. down range and then track it back to the golfer who hit it.

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Councilor McGee asked if something could be produced in writing from the company manufacturing the aluminum and Mr. Ramcke said yes, and he showed a piece of paper he had with some information on it.

Councilor Pedersen suggested another public hearing in one or two weeks to give Mr. Ramcke some time to come up with a new suggestion and Councilor Baxter suggested that the aluminum manufacturer fax City Hall with the confirmation of Mr. Ramcke's order.

Councilor Lashua said he couldn't see what changes could be made to make the situation any better.

Mr. Ramcke stated he is there 6 days a week and would be happy to do anything Council suggests.

Councilor Baxter said tomorrow he will track down the information that was researched when the City was going to put in a driving range, concerning engineering, etc.

Councilor Lashua said he didn't feel another public hearing was going to shorten up the time frame, that he had not heard any alternatives tonight and that the net extension issue should be pursued harder.

Councilor Weiser said he didn't feel it should be up to City Council to come up with solutions to the problem, either.

Mr. Ramcke pointed out that the delays have been caused because of everything taking much more time than anticipated.

Councilor Lashua was absent from Council Chambers from 9:20 to 9:22.

There was discussion about holding another public hearing, taking new testimony only, complying with the resolution and reviewing compliance with resolution, imposing more conditions, whether or not to accept any more public testimony, having a public hearing being a safeguard in the event City Council may want to make any change, no reason for a public hearing, whether Resolution 1491 provides for closing of the golf driving range in the event conditions are not met.

Mr. Ramcke stated Coast Crane are the people with the high rangers in Seattle and are not readily available, which may cause another delay, which is something else to consider. He noted that if he is closed down until the extensions are put in, he could not afford to stay in business.

There was more discussion regarding him being closed down, City Council overriding that and being sympathetic to both the business and the neighbors, Mr. Ramcke to get more information back to the Council.

Councilor Pedersen moved to have a review report in two weeks with a public hearing at that time. There was no second and Councilor Pedersen withdrew her motion.

Councilor Pedersen then moved to review the progress of the poles/netting extensions, purchase orders, etc. in two weeks from tonight (10/7). Councilor Lashua seconded and the motion passed unanimously.

Councilor Pedersen then moved that a public hearing be advertised

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for 10/7/91 for new testimony only over the next two weeks.  
Councilor Weiser seconded.

Councilor Baxter asked if the public hearing would be held whether the review is satisfactory or not and Councilor Pedersen stated yes, that was her intent. It was also noted that if a public hearing is advertised, then one must be held.

A roll call vote was taken with Councilors Weiser, Baxter, Pedersen and Wright in favor and Councilors McGee, Cundiff and Lashua against holding another public hearing. The motion passed 4-3.

**2. Utility Variance - NORETEP, North of 188th St. NE, West of Hwy. 9 (continued from 7/22/91 meeting).**

Public Works Director Zabell explained that the applicant was to provide additional information, however the Planning Dept. has not received any, so staff recommendation is to deny the request.

Councilor Cundiff moved and Councilor Wright seconded to deny the request, as recommended. Passed unanimously.

**3. Hearing Examiner Decision - Centex Variance.**

City Attorney Weed reviewed the hearing examiner decision to deny the variance. He stated the Council may approve/affirm this decision, remand it back to the hearing examiner or change it through a public hearing of its own.

Jack Hood of Centex addressed the Council and stated there was no opposition to their request at the hearing examiner hearing and Centex would like a public hearing before City Council.

Councilor Weiser asked about the Master Permit Application and City Administrator Sanden stated it is used for building permits and other types of permits; it is the general permitting form, she said.

Mr. Hood stated Centex owns the subject property which is in the process of being incorporated into the entire plat.

There was discussion about subsequent use of the property and that the public hearing should be set "within a reasonable period of time."

Nelson Davis of Centex addressed Council and stated the existing home is going to be torn down and a new home would be incorporated in the subdivision.

Councilor Weiser moved that a public hearing be held 10/7/91 with a copy of the Master Permit Application in the packets at that time. Councilor Pedersen seconded and the motion passed unanimously.

**4. Hearing Examiner Decision - Ellis Conditional Use Permit.**

City Administrator Sanden explained this is a request for a conditional use permit for a kennel to raise Chihuahua dogs, which is a preexisting use. Staff recommendation is to affirm the hearing examiner decision, she stated.

Councilor Weiser asked about monitoring of the number of dogs and City Administrator Sanden said usually it's only done if there's a complaint and the hearing examiner addressed that in his Conclusions & Findings.

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Councilor Weiser asked if this conditional use permit would be subject to the ordinance regarding odors but City Attorney Weed pointed out that was for farm animals, not dogs and cats.

City Administrator Sanden restated that this is an existing use approved by the County in the past but requiring annual approval/permitting.

After brief discussion, Councilor Lashua moved and Councilor Pedersen seconded to approve/affirm the hearing examiner's decision to grant the conditional use permit, as per recommended action. Passed unanimously.

**5. Hearing Examiner Decision - Klingbeil Rezone, Marysville Apartments (continued from 9/9/91 meeting).**

Public Works Director Zabell explained that further information was to be submitted and reviewed and Larry Wade has determined the City would not need additional right of way so staff recommends approving/affirmation of the hearing examiner's decision.

Councilor Weiser moved and Councilor McGee seconded to affirm the hearing examiner's decision. Passed unanimously.

NEW BUSINESS:

**1. ULID Assessment Segregation.**

Finance Director Dexter explained this is for ULID #11 and he referred to the agenda bill and maps. The request is for change in assessment and segregation of the back lot. The property is occupied by Prime Storage in the back and an Arco Service Station in front and staff is recommending approval, he noted.

Councilor Cundiff moved and Councilor Wright seconded to approve/adopt Resolution #1500 as per staff recommended action. Passed unanimously.

Councilor Pedersen left Council Chambers at 9:57 and returned at 9:59 p.m.

ORDINANCES & RESOLUTIONS:

**1. Ordinance Annexing Certain Real Property to the City of Marysville - Jones/Belmark Annexation.**

City Attorney explained this matter was appealed to Superior Court and remanded back to the Boundary Review Board who approved it on the second time around.

Councilor Wright moved and Councilor Weiser seconded to approve/adopt Ordinance 1859. Passed unanimously.

**2. Resolution Denying Without Prejudice a Variance to Allow a Water Connection to Property Outside of RUSA - Thomas Andrews.**

Councilor Weiser moved and Councilor Baxter seconded to approve/adopt Resolution 1501. Passed unanimously.

LEGAL MATTERS:

**1. Recovery Contract - Grace Baptist Church.**

Public Works Director Zabell explained this is for a 12" water line at \$15.72/ft., consistent with City code and recommended

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action is for approval.

Councilor Pedersen moved and Councilor Cundiff seconded to approve Recovery Contract #156. Passed unanimously.

**2. Recovery Contract - Michelle Willis.**

City Attorney Weed explained this is for an 8" sewer line at a cost of \$20/ft., \$8800 total cost.

Councilor Cundiff moved and Councilor Pedersen seconded to approve Recovery Contract #157. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:04 p.m.

RECONVENED: 12:30 a.m. 9/24/91

1. Councilor Weiser moved and Councilor Cundiff seconded to authorize acquisition of the Jones Property for 80th St. improvements for the amount discussed in Executive Session. Passed unanimously.

2. Councilor Pedersen moved and Councilor Weiser seconded to authorize acquisition of the Regan Property for the amount authorized in Executive Session. Passed unanimously.

3. Councilor Cundiff moved and Councilor Weiser seconded to authorize settlement of potential union grievance in the manner discussed in Executive Session.

ADJOURNMENT: 12:35 a.m. 9/24/91

Accepted this 7<sup>th</sup> day of October, 1991.

*Rita Matheny*

MAYOR

*Phillip E. Depter*

CITY CLERK

*Manda A. Sverson*

RECORDING SECRETARY