

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING NOVEMBER 8, 1993

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETING: 11/1/93 Approved

AUDIENCE PARTICIPATION: None

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATION: None

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS:

1. Sunnyside South Annexation To be cont. Jan. or Feb/94
2. Aldridge Prel. Plat of Grove St. Approved

REVIEW BIDS: None

CURRENT BUSINESS:

1. Douglas Kemp Utility Variance ) Denied w/o prej. w/time
2. Cecil Kemp Utility Variance ) limit of 7/1/94
3. Interim Urban Growth Area (IUGA) City Attorney to negotiate
- & Sno. Co. Council Ord. 93-092 w/County/possible appeal

NEW BUSINESS:

1. US Dept. of Justice Federal Approval of Staff Rec. to
- Police Hiring Supplement Program not apply for funds
2. Wastewater Maintenance Technician Approved

CONSENT AGENDA:

1. 10/93 Payroll - \$471,253.28 Approved
2. 11/8/93 Claims - \$844,074.46 Approved

ORDINANCES & RESOLUTIONS:

1. Res. Approving Powroznik Util.Var. Res. 1645 Approved
2. Res. Denying HKS Partnership Util. Res. 1646 Approved
- Var. without prejudice
3. Res. Affirming Hrg. Examiner rec. Res. 1647 Approved
- & Approving CUP for YMCA
4. Res. Affirming Hrg. Examiner rec. Res. 1648 Approved
- & Approving CUP & Var. - Hylback
5. Res. Affirming Hrg. Examiner rec. Res. 1649 Approved
- & Approving Var. to Private Road
- Standards for C&C Assoc.

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 10:00 p.m.

1. Pending Litigation No Action
2. Union Contract Negotiations No Action

RECONVENED & ADJOURNED: Approx. 11:00 p.m.

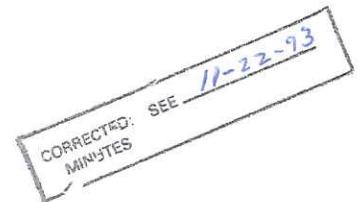
MARYSVILLE CITY COUNCIL MINUTES

NOVEMBER 8, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 Dave McGee  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Steve Wilson, Finance Director  
 Gloria Hirashima, City Planner  
 Grant Weed, City Attorney  
 Ken Winckler, Director of Public Works  
 Bob Dyer, Marysville Police Chief  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the Council meeting to order and led the flag salute.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

In the 10/26/93 Comp Plan Workshop minutes, Councilor Leighan asked that on page 10 in the 4th paragraph that the property owner's name be deleted.

Councilor Pedersen questioned the discussion about "Valley Commons" on page 1 under Area 11 and City Planner Hirashima stated this should read "the southwest corner". Also, in the second paragraph, it was noted "and/on" should be "and/or".

Councilor Herman referred to page 11, 4th paragraph from the bottom, noting "at Beach & 6th" should be "in Planning Area 1."

There being no further corrections, Councilor Pedersen moved and Councilor McGee seconded to approve the Comp Plan Workshop minutes of 10/26/93 as corrected. Passed unanimously.

Under the 11/1/93 Council minutes, Councilor Pedersen asked for a correction on page 1 in the second paragraph under Minutes of the Previous Meeting correcting "Volgeson" to "Helgesen".

Councilor Herman asked that the word "testimony" be changed to "comments" on page 6 in the 4th paragraph from the bottom and on page 7 in the 2nd paragraph from the top, the word "testimony" should be changed to "request".

There being no further corrections, Councilor Wright moved and Councilor Pedersen seconded to approve the 11/1/93 Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

City Administrator Zabell reminded Council of the 11/15/93 retirement party at the Tulalip Inn, with RSVPs to be in by Wednesday.

City Planner Hirashima reminded Council of the 11/15 and possibly 11/16 Growth Management Coordinating Committee meetings. Also, another Comp Plan Workshop 11/29 at Jennings Park Barn.

NOVEMBER 8, 1993

Page 1

Director of Public Works Winckler reminded Council of the RUSA meeting at 7 a.m. 11/18/93.

MAYOR'S BUSINESS:

Mayor Weiser asked if 7 p.m. was a good time for Council for the 11/29 Comp Plan Workshop and it was agreed. He also noted that AWWA Drinking Water Handbook regulations for public officials can be ordered at \$23 per copy. It was decided to wait until Council sees what it looks like (staff has ordered some also) before ordering any copies for Council.

CALL ON COUNCILMEMBERS:

Councilor Wright said she will be out of town from the 10th through the 20th.

Councilor Myers attended a recent Library Board meeting and talked about handouts from the Sno-Isle Regional Library called "Key Points for Parents."

PUBLIC HEARINGS:

**1. Sunnyside South Annexation; PA 9210046.**

City Attorney Weed swore in those wishing to testify in this matter.

City Planner Hirashima reviewed the agenda bill and showed an overhead vicinity map. She noted the total property is approx. 200 acres with an assessed valuation of \$2,568,900 and the annexation petition contained 65% of the assessed valuation. She noted the western portion of the property is within RUSA but the majority of the area is outside the county Urban Growth Boundary as designated recently. She noted an overlapping area between the two proposed annexations (Sunnyside South & Poortinga Annexation) which are at two different phases. She said the majority of the Poortinga Annexation petitions have been received and it's anticipated both annexations could be dealt with at the same time. Staff recommends taking testimony this evening with continuance in January or February and with readvertisement of the public hearing, she said. A planning analysis is currently under way with finalization at the next GMCC in Dec., she noted, and so staff doesn't wish this to be finalized until after the GMCC meeting on 11/15.

Mayor Weiser referred to the County Ordinance 93-02 in the packets with regard to an interlocal between the county and City of Marysville regarding annexations.

Glen Murray, 6017 46th St. NE, addressed Council. He said he has a concern with a letter of 11/17/92 written by Gloria Hirashima to Patricia Cain. He said the real estate people came by and talked about annexation; the letter indicates property owners can continue to have livestock and farm but their rights could be lost after 12 months if not used for ag or if buildings are destroyed. He said he has insurance on his outbuildings and asked if they are burned down why he couldn't collect on the insurance and rebuild. He pointed out that he needs the outbuildings to store hay, etc. and continue in his farming operation.

City Planner Hirashima stated the regulations are actually more permissive than she had thought and one of the things Council could do is designate that area Ag which would allow Mr. Murray and others to have the uses they are referring to. She said Marysville doesn't have an RC zone like the county but Ag zoning would allow continuance of operating or uses even with a fire as Mr. Murray described, so the Council needs to consider changing that area to Ag as there are several people in the area who have

Ag uses. She added there are some restrictions about setbacks comparable to the county requirements.

*s/b said there were some concerns*  
Councilor Herman asked about a possible area wide rezone and City Planner Hirashima stated that general vicinity is "Recreation" under the current Comp Plan and the proposal is to change it to Recreation/Ag which would allow ag uses to continue.

CORRECTED: SEE 11-22-93  
MINUTES

Councilor Baxter talked about Mixed Ag Uses and said he feels Council needs to take a serious look at allowing mixed ag uses or they are going to end up with a lot of problems. The intent is not to restrict people from farming, he said and Council needs to reconsider some realistic setbacks, also.

Councilor Herman mentioned the "right to farm" legislation and asked if the City should explore that further.

Councilor Baxter said he feels it should be explored further, at a workshop, for example. He added the Council should not be the ones to mandate how people should run their farms.

Councilor Baxter than moved and Councilor Myers seconded to continue the public hearing for the purposes of making a decision, probably sometime in January or February, 1994. Passed unanimously.

**2. Robert Aldridge; Preliminary Plat of Grove St.; PA 9303007.**

City Attorney Weed swore in those wishing to give testimony.

City Planner Hirashima reviewed the agenda bill, noting the Hearing Examiner recommended approval, however due to public testimony that came up, Council decided to have a public hearing tonight. She talked about setbacks from the Class 3 wetlands (40').

Mayor Weiser asked about access on to the private road.

City Planner Hirashima said one of the issues that staff reviewed was the fact there are currently 6 driveway cuts on Grove and one of the concers was to eliminate some of these and for that reason staff encouraged the applicant to have an interior road system and so he is requesting a road variance so all the lots would access the private road system and as a subsequence would vacate the Grove St. driveway cuts. She said staff did meet with the Fire Marshal who does not require a turnaround however they do recommend Condition 15: One additional off street parking space per lot be provided.

Robert Aldridge, 5420 79th Pl. NE, addressed Council. He stated his ownership of the property goes back to the '70s and there have been many improvements that have come in in the meantime. The 6 driveways have been taken care of with the interior road system and adequate parking has been provided, eliminating all Grove St. access, he said. Also, they will be providing a landscaped buffer on Grove St. With regard to the Fire Dept. concerns, the applicant wants to make that work and want to make sure people don't park where they are not supposed to and there will be covenants that preclude people from remodeling their garages and needing additional parking, eg. Also, there will be no RV parking allowed on sites, there will be lots of landscaping and he said he agrees with the Hearing Examiner's findings and recommendations. He said he commends Council for taking a stand on the public hearing issue if no formal appeal is filed, which is what happened here. With regard to the wetland, there is a driveway near the ravine, he noted, and the culvert was found to be blocked which has actually created a wetland. It started out with only a few skunk cabbage plants which have now increased to 40-50; the applicant is working on this with the neighbor, he said.

Mayor Weiser asked whether there is an existing house between Lot 10 and the cul de sac and if it takes access off the cul de sac.

Mr. Aldridge stated there are houses adjacent to Lot 10, put in about 30-35 years ago and they would not take access off the cul de sac.

There being no one further wishing to testify, this portion of the public hearing was closed at 7:53 p.m.

City Planner Hirashima noted that at the last meeting, it was noted TIP 1 participation should be deleted from the Hearing Examiner conditions as this property is not within the benefit area.

Councilor Herman noted Sensitive Area Ordinance requirements are not included in the Hearing Examiner recommendations and City Planner Hirashima said no, but it does have to comply with the SAO.

Councilor Pedersen moved and Councilor McGee seconded to approve the request, as per the Hearing Examiner recommendation with the exception of deleting the reference to participation in TIP 1. Passed unanimously.

CURRENT BUSINESS:

1. **Douglas Kemp Utility Variance; UV 93-013.**
2. **Cecil Kemp Utility Variance; UV 93-014.**

Public Works Director Winckler explained these are adjacent properties and they are requesting utility variance for sewer without water. He reviewed the agenda bill and noted the properties are outside of RUSA, the CWSP and IUGB and the connection would require the service to go through ULID 3 which has limited capacity. Based on that, staff is recommending denial of the request, he said.

Owen Carter, 2829 Rucker, Everett, addressed Council. He said he is Project Manager for the Smokey Pt. RID Project and works for Snohomish County Public Works Dept. He stated they are in support of the sewer going in now so the county won't have to tear up the road twice. He said this whole area is part of the RID with a cap of \$4,000,000 to be contributed toward the project. He added that all other properties have sewer except for the Kemp properties and as the county sees it, they meet the 4 criteria, he said.

Councilor Baxter explained the request is outside of the IUGB as well as the CWSB and the state will not allow Marysville to serve this area or allow a variance outside those boundaries, even if Marysville had a 24" line running right past there--that's according to the GMA and the county interpretation of same, he said. He added that there are several situations like this all over and if it's outside of the boundaries, Marysville can't serve it; the City has no option but to deny at this point as the county has interpreted that Marysville would be going against State mandate so the state and City need to start talking, he concluded.

Douglas Kemp, 2609 172nd NE, Arlington, addressed the Council. He stated he can't do anything with the property right now--the county has redlined him and yet right next to his property is Lakewood Commons with 245 homes which have been put in. Kemps have been there for many many years and he (Douglas) is 63 years old, Cecil is 61 and they wanted to give their kids the property but they can't do anything with the property, he reiterated. He said there are misaligned roads, no fences, the big guys get all the advantages and Mrs. Johnson (another neighbor) has a similar problem to this: her kid can't live next door to her because of the septic capacity problem. Mrs. Johnson is getting on, too, he

CORRECTED: SEE 11-22-93 MINUTES S/Cb County

## MARYSVILLE CITY COUNCIL MINUTES

NOVEMBER 8, 1993

Page 5

said and added originally the City of Marysville sent an emissary out who said if Kemps put in City water, sewer could be put in also but they haven't got it yet. He said their septic system has been "redlined" by the county; the property has been turned down for more houses; they always thought they could get sewers. There are 25 acres in there and this land is basically useless and now the county wants to come in and help them out but they can't do anything without sewers, he concluded.

City Administrator Zabell asked when the county expects to be ready to go ahead on the RID and Mr. Carter said they hope to have all the right of way they need, etc. by June, 1994.

City Administrator Zabell explained Marysville has a water comp plan under consideration at this time, expected to be completed by Dec/94 and so what the City has been doing with requests such as this is denying them without prejudice until such time as the comp plan is completed.

City Attorney Weed noted the Council should consider appealing the county's decision to go with the UGB they did.

There was considerable discussion about the "Smokey Point Study Area", limited capacity of ULID 10 and 3, the Lakewood triangle, bringing in another sewer line, upsizing needs for that area.

Councilor Baxter gave some background on the water going across the freeway and said he would like to see something done about this problem, eg. what the City is going to do with the utilities already in the ground.

Mayor Weiser pointed out that the GMA mandates utility planning and perhaps this should be included in that planning.

Councilor Baxter added that the City had tried to plan this 30 years ago and overall, they have done a good job.

Mayor Weiser noted with one dwelling unit per 2.5 acres and a marginal septic system, he is not sure of the benefit of a sewer system to the Kemp property.

Councilor Baxter said he doesn't know the Kemps' plans but Marysville is the only water purveyor they can come to; Mr. Kemp may want to change the zoning.

City Administrator Zabell said he is concerned about Criteria 4: whether this is consistent with Marysville's long range plan. He added that Council needs to study the whole Lakewood area to see what may be needed. He noted there are several pieces of property that would like sewer in that area.

Councilor Baxter spoke about the Westside Trunk Sewer Line which runs down the west side of the freeway from Lakewood to 4th St.-- it was put in anticipation of what might happen, he said and pointed out the Kemps have nowhere else to go but to look to Marysville for sewer service.

Mayor Weiser reiterated that he doesn't see where the benefit is for the Kemps to have sewer service at this time.

Councilor Baxter suggested Mr. Carter and Marysville city staff try and work out these problems at a RUSA meeting, for example.

City Administrator Zabell stated the whole area needs to be reviewed with suggestions brought back before Council.

Councilor Pedersen moved and Councilor Herman seconded to deny the Douglas Kemp utility variance UV 93-013 without prejudice, with the applicant being allowed to reapply until 7/1/94 without another filing fee. Passed unanimously.

Councilor Wright moved and Councilor Leighan seconded to deny the Cecil Kemp utility variance UV 93-014 without prejudice, with the applicant being allowed to reapply until 7/1/94 without another filing fee. Passed unanimously.

**2. Robert Aldridge Public Hearing; Preliminary Plat of Grove St.; PA 9303007.**

City Attorney Weed reported that some of the neighbors were evidently told they need not show up until 8:30 and additional people have now shown up and wish to give testimony. He stated this was actually advertised for 7 p.m. however if they were told 8:30, they need to be given a chance to give their testimony. He reported Mr. Aldridge has been notified to return also and so procedurally, the Council should move to reopen the public hearing so that the additional testimony and rebuttal can be received.

Councilor Pedersen moved and Councilor Myers seconded to reopen the public hearing re Robert Aldridge - Grove Street Preliminary Plat. Passed unanimously.

City Attorney Weed swore in those wishing to give testimony.

Lynn Parrish, 7420 57th Dr. NE, addressed Council, stating the Parrishes live right next door to the subject property. She stated there have been several conflicting comments, for example, they heard the trees would be retained however she now understands they will be taken down. There is a wetland on the property, she said; it runs right through her property and is evident 52 weeks of the year. She said she is very concerned that the set backs will not give enough setback for this type of venture. Mr. Aldridge is going to put in a very dense project and she said she feels this will very negatively affect the wetland there. Also, she said Mr. Aldridge has not been telling the neighbors everything that's going to be happening and the main concern is the wetland issue and the density issue (which she noted they can't do much about).

She continued that she understands the setback should be 40' from the bottom of the ravine. This means he could put buildings right on the edge of the ravine; the trees are what prevent erosion, she pointed out. She stated two story houses will not fit in plus she has had to trim her trees so her garden will receive sunlight. She showed on the overhead where she lives and noted people from the City have confirmed a wetland on her property that runs underground over to Allen Creek.

Sheryl Weaver, 5804 75th Pl. NE, addressed Council, stating the Weavers own Lots 15 & 16. She noted the subject property is a gorgeous piece but in the last few years she has seen more and more houses, they have possums and lots of wildlife and it would be nice to have some houses but she would prefer to see one story houses only and for an effort to try and save the old growth trees. There used to be trout in that stream, she commented and added she is just against all the growth in general in Marysville.

Cindy Belter, 5724 75th Pl. NE, addressed Council, noting she has Lot 14. She said they want Mr. Aldridge to build but the density is an issue, taking out the trees--they are all against that, she said. She pointed out that that's the beauty, quiet, animals of that whole area and somewhere it has to stop. She said her kids and animals love Allen Creek and all the changes are just getting to be too much for the school district, road systems, etc., etc.

Heidi Weaver and Kelsey Belter (two young girls), addressed Council. They each read prepared statements: Kelsey noted her mother is a school bus driver and the school buses are getting crammed with new people, the animals in the area will lose their home, the schools are already too full and everyone will lose the peace and quiet.

MARYSVILLE CITY COUNCIL MINUTES  
NOVEMBER 8, 1993  
Page 7

Heidi talked about overcrowding in the schools and in fact, noted she now goes to a private school. She echoed Kelsey's comments and added that there are already too many houses in Marysville.

Wendy Smith, 5818 75th Pl. NE, addressed Council. She said basically she is concerned about the density and wetland issue. Maybe a compromise can be reached, she suggested, and maybe cut back by at least one or two homes and she pleaded for Council to check into the wetlands.

City Planner Hirashima explained a Preliminary Reconnaissance from Earthworks classified this as a Class 3 Wetland which does require a 40' buffer. She said the Sensitive Areas Ordinance also requires a 25' buffer if slopes are more than 25%, in which case an additional 25' would be taken from the top of the bank which she said she doesn't believe would reduce the project in number of lots, however would probably affect Lots 9 & 10. She added that RS 7200 is in compliance with Marysville's code and as far as the trees are concerned, Mr. Aldridge will have to remove some of the trees but is interested in retaining as many trees as possible, depending on the building envelope.

Councilor Leighan asked for clarification of the buffer requirement and City Planner Hirashima further explained.

Robert Aldridge, 5420 79th Pl. NE, addressed Council. He showed on the map where there is a dry swale and City Planner Hirashima noted there is a copy of the contour in the packets.

Mr. Aldridge explained the location of the culvert, flowing stream, water table in the ravine. He noted the plugged culvert has exacerbated the wet condition. With regard to the trees, he said it is his intention to retain all trees along Grove and to cut as few as possible: those within actual building footprints would have to be removed, for example, but he would like to especially retain the cedars, he said. They are mainly going to get rid of blackberries and do some landscaping, he said. He explained that at the 35' contour, there is no wetland. With regard to one or two story or 1-1/2 story houses, they want to build houses that are saleable and look good in the neighborhood, he said and added it's his intention to put new trees and landscaping in and have covenants to keep trees in place. He said they have been dealing with this in accordance with the codes and did not even know they had a wetland issue until recently which they found had been exacerbated by the plugged culvert. Also, they have checked slopes for stability and the soils engineers have indicated any cut condition would be stable and the water table is sufficiently below the streambed of the ravine, he said.

There being no one further who wished to testify, the public hearing was then closed at 9 p.m.

There was discussion about maximum density, say, with a PRD; open space tract; bonus; 7200 zoning; apartments would require rezoning; three of the lots are planned for duplexes; single family zoning is a good guarantee of the least density; sideyard and backyard setbacks on Lot 10.

Councilor Wright said she didn't hear any testimony that was different from what was put in front of the Hearing Examiner.

Councilor Baxter asked if this could be eventually rezoned for apartments and City Planner Hirashima stated the chance of that would not be great because the Comp Plan has it designated for single family. The most dense scenario would be all the homes would be duplexes, she said; duplexes are allowed in the single family designation under the Comp Plan. With a 5 sided yard, she noted staff would determine the sideyard and backyard at the time the building plan is submitted.

## MARYSVILLE CITY COUNCIL MINUTES

NOVEMBER 8, 1993

Page 8

Councilor Leighan expressed the concern that not knowing how to interpret which is a backyard and which is a sideyard could have an important impact on Lot 10 and neighbors of Lot 10.

Councilor Herman pointed out that Mr. Aldridge has testified as to his intention to retain trees. He said he also understands the neighbors' concerns about tree removal and two story structures but the tradeoffs are that you can have more trees on the same footprint with a two story structure vs a one story building. He said Council's power is probably limited to asking the developer to stick to his intentions.

Councilor Baxter said he is familiar with the developer's track record and he has put in some very nicely landscaped developments.

Councilor Pedersen stated the concerns of the neighbors: the trees, the wetlands and the density--Mr. Aldridge has clarified his intent with regard to these issues.

Councilor Pedersen then moved to affirm the Hearing Examiner's recommendation to approve the applicant's requests, except for references to participation in TIP 1. Councilor Myers seconded.

Mayor Weiser apologized for the confusion regarding the starting time of this public hearing.

The motion passed unanimously.

CURRENT BUSINESS:**3. Interim Urban Growth Area (IUGA) & Snohomish County Council Ordinance 93-092.**

City Attorney Weed reviewed the agenda bill.

Councilor Baxter left Council Chambers at 9:16 p.m.

City Attorney Weed explained there is a 60 day appeal period which will expire on 12/11/93 and his office would need some lead time if it is the decision of the Council to appeal. He noted Council also has the alternative of trying to continue to work this out through the county executive's office.

Councilor Baxter returned at 9:18 p.m.

City Attorney Weed noted Council could also place a stay on any appeal, making it clear that they are not waiving any right to appeal, pending a successor ordinance that gets adopted to this ordinance, depending on whether the county is amenable to this.

Mayor Weiser asked if the City has the right of appeal since the bill was passed with regard to the county's having the power to set Urban Growth Boundaries.

City Attorney Weed stated there were other cities that testified and he believes the City of Marysville could put forth a good faith appeal, however, there is the reality that this ordinance scheme may be changed after 12/15/93, he said. He added that an appeal would take a considerable amount of time and it's possible this might be settled without an appeal. Perhaps the City should wait and see, without waiving our rights of appeal, he suggested.

Councilor Herman asked what the appeal period would be on the new ordinance, and not having appealed the original ordinance, whether that would be construed as acceptance.

City Attorney Weed said yes, it could be interpreted as waiving our right of appeal, also. He said one way to avoid that argument is to make sure the county knows we are not waiving our right of appeal.

Councilor Baxter said he would like to see that in writing so the county doesn't think for a moment that Marysville is satisfied with the Urban Growth Boundaries they have adopted.

Councilor Herman asked if we could just send the county a letter explaining our decision and reserving the right to look at the subsequent ordinance.

City Attorney Weed said that would not give us the full protection --the City needs an agreement signed by the county or at least file an appeal, he said, even if it doesn't go all the way through the process.

Councilor Baxter said he would like to leave it up to the judgement of the City Attorney: if he can't get the agreement signed as discussed, then he would go ahead with an appeal.

Councilor Herman suggested the alternative of having it come back before Council for an appeal.

City Attorney Weed explained that in an appeal he would raise any issue that's appropriate and could bring that back to Council.

Councilor Baxter moved to give the City Attorney approval to try and negotiate an agreement with the county on the Interim Growth Boundary without an appeal and if that fails to work out, then to move ahead on an actual appeal. Councilor Wright seconded and the motion passed with Councilor Herman against.

(It was discussed that the City Attorney would provide a draft of the appeal.)

NEW BUSINESS:

**1. U.S. Dept. of Justice Federal Police Hiring Supplement Program**

Police Chief Dyer reviewed the agenda bill, noting Marysville's Part I Crimes are but 4% of the total and we are not the kind of city to qualify for this program.

Councilor Leighan asked about the discontinuation of the Drug Task Force Program and Police Chief Dyer explained that was a statement made out of turn by one chief; this program will be continued at least through 1995 and he said they anticipate keeping the detective who is currently on it in the task force.

Police Chief Dyer talked further about the more appropriate cities for the federal program, noting our Part I Crimes are actually down. He noted also this is only a three year funding program and only funds up to 75% of the cost of new officers. The City would also have to submit a plan as to how they would continue to fund the new officer after the third year.

Councilor Baxter talked about not being dependent on the funds and gave as an example the SETA program. However, City Administrator Zabell pointed out that sometimes SETA program employees work out very well, eg. Asst. Police Chief McKinney was originally hired under the SETA program.

Police Chief Dyer commented on MVET and other sources of funding.

Councilor Baxter moved to approve the denial to apply for the federal funds referred to, as recommended by staff. Councilor Myers seconded and the motioned passed unanimously.

**2. Wastewater Maintenance Technician.**

Public Works Director Winckler reviewed the agenda bill, noting a comparable worth study was done, establishing an appropriate

salary of a grade IX for this position. He also noted the position was included (for six months) in the 1993 budget and staff recommends Council approve the job description provided at a salary of grade IX.

Councilor Myers asked about state regulations regarding lifting and City Administrator Zabell noted there are several levels. He added that the lift stations and aerators/electrical/mechanical needs are high maintenance items and this was budgeted. There are actually four maintenance workers and about two people would be able to work on lift stations, only one at the WWTF on the aerators, he explained.

Councilor Baxter asked who this person would report to and City Administrator Zabell said the WWTF Manager.

Councilor Baxter asked about cross training on the aerators and Public Works Director Winckler said they have some people with a lot of qualifications but the qualifications are not required by their jobs; the comparable worth study came up with Grade IX and they would cross train Grade VII people on a temporary basis.

City Administrator Zabell said there would be quite a bit of OJT on the aerators when they assist.

Councilor Baxter asked if the City has people inhouse that can fill this position and Public Works Director Winckler said yes.

Councilor Baxter asked how many are on the crew and City Administrator Zabell responded three plus this person would go to the WWTF.

Councilor Pedersen asked who would determine which applicant gets the job and Public Works Director Winckler said he would be responsible for the final decision, with three other supervisors involved in the process, as well as the City Administrator.

Councilor Baxter asked what the starting date would be and Public Works Director Winckler said 12/1/93.

Councilor Baxter moved for approval of the Wastewater Maintenance Technician position as recommended by staff, at Grade IX. Councilor Myers seconded and the motion passed unanimously.

CONSENT AGENDA:

1. **October 1993 Payroll in the amount of \$471,253.28.**
2. **11/8/93 Claims in the amount of \$844,074.46.**

Councilor Herman moved and Councilor Pedersen seconded to approve Consent Agenda Items 1 & 2. Passed unanimously. (Councilor Baxter did not vote on Voucher #17640.)

ORDINANCES & RESOLUTIONS:

1. **Resolution Approving Utility Variance for Tom Powroznik.**

Councilor Wright moved and Councilor Pedersen seconded to adopt/approve Resolution 1645. Passed unanimously.

2. **Resolution Denying Utility Variance without Prejudice for HKS Partnership.**

Councilor Pedersen moved and Councilor Leighan seconded to approve/adopt Resolution 1646. Passed unanimously.

**3. Resolution Affirming the Hearing Examiner Recommendation and Approving a Conditional Use Permit for the Y.M.C.A.**

Councilor Pedersen moved and Councilor Herman seconded to approve/adopt Resolution 1647. Passed unanimously.

**4. Resolution Affirming the Hearing Examiner and Approving a Conditional Use Permit and Variance for Joel Hylback.**

Councilor Wright moved and Councilor McGee seconded to approve/adopt Resolution 1648. Passed unanimously.

**5. Resolution Affirming the Hearing Examiner and Approving a Variance to Private Road Standards for C & C Associates.**

Councilor Myers moved and Councilor McGee seconded to approve/adopt Resolution 1649. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:02 p.m.

1. Pending Litigation.
2. Union Contract Negotiations/Personnel issues.

RECONVENED & ADJOURNED: 11:31 & 11:32 p.m. (No Action)

Accepted this 22<sup>nd</sup> day of November, 1993.

*David W. Wasis*

MAYOR

*Mary S. Swenson*

CITY CLERK

*Manda A. Swenson*

RECORDING SECRETARY