

MINUTES RECAP

00239

MARYSVILLE CITY COUNCIL MEETING MARCH 14, 1994

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All present

MINUTES OF PREVIOUS MEETING: 3/7/94 Approved

AUDIENCE PARTICIPATION: Mike Papa, Ron Kirkey, Debbie Rounds, Kathryn Martin

STAFF'S BUSINESS:
1. Washington Survey & Rating Bureau Approved request from Greg Corn for City to be rerated

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PROCLAMATION: 3/22/94 - American Diabetes Alert Day

PUBLIC HEARINGS:
1. Charles Okada Rezone; PA 9306020 - Approved

REVIEW BIDS:
1. 72" Rotary Deck Mower; Golf Course - Approved - Superior Turf bid

CURRENT BUSINESS:
1. Palmer Tracts Annexation; 60% P.H. set for 4/4/94
Petition; PA 9309029

NEW BUSINESS:
1. Proposed Animal Draft Ordinance Sent back to Planning Comm

CONSENT AGENDA: Approved:
1. 2/28/94 Payroll in the amount of \$468,546.75.
2. 3/14/94 Claims in the amount of \$732,233.85.
3. Accept Emergency Generators for 3rd St. & 51st Av. Sewage Lift Stations and Begin 30 day lien filing period.
4. Accept Telemetry System - City Sewer Lift Stations; City Instrument Co. Inc. and Begin 30 day lien filing period.

ORDINANCES & RESOLUTIONS:
1. Ordinance Amending 1993 Budget. To be cont. 3/28/94
2. Ordinance Annexing Certain Unincorporated Area Known as the Fagan Property into the City of Marysville. Ord. #1980 Approved

LEGAL MATTERS:
1. Professional Services Contract with Hong West & Associates. Approved
2. Golf Pro Contract Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 10:00 p.m.
1. Real Estate. No Action
2. Litigation. No Action
3. Personnel. No Action

RECONVENED & ADJOURNED: 10:34 & 10:35 p.m.

MARYSVILLE CITY COUNCIL MINUTES

MARCH 14, 1994

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

CORRECTED: SEE 3/28/94
 MINUTES

Administrative Staff:

Mary Swenson, City Clerk & City Administrator Pro Tem
 Steve Wilson, Finance Director
 Greg Corn, Fire Chief
 Gloria Hirashima, City Planner
 Ken Winckler, Director of Public Works
 Grant Weed, City Attorney
 Jim Ballew, Parks & Recreation Director
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the 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 PREVIOUS MEETING:

Councilmember Pedersen noted on page 1 of the 3/7/94 minutes that "Comp Plan Public Hearing" should be "Comp Plan Public Workshop" at the bottom of the page in two places.

Councilmember Leighan noted on page 8 about half way down, he had concerns about "funding" not "fundign".

There being no further corrections to the minutes of the 3/7/94 minutes, Councilmember McGee moved and Councilmember Leighan seconded to approve them as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Mike Papa, 827 54th Dr. NE, addressed Council. He stated that two weeks ago Otto Herman brought up the subject about population allocaions. He noted Marysville's target right now is for 14,000 additional people in the next 20 years and he asked if that is enough and how the City makes policy on what is acceptable and who makes that policy. He stated he knows the Mayor is on the Snohomish County Tomorrow Committee and was wondering if the City Council has given him direction with regard to the population figures.

City Planner Hirashima stated the Office of Financial Management developed the figures and ultimately the county will prove the figures. She said there are many issues involved and once the process is completed it will be more clear where the target figures will fit.

She added that one of the major concerns was that there may not be enough vacant land in some of the cities and that the targets may not be very realistic in accordance with the forecasts, especially in Everett. She said comments were to have come back from all the cities but Everett was thought to be off by 30,000 people short; they indicated they had really only come up with preliminary

figures with more accurate figures by June, so that's what we are waiting for, she said.

Councilmember Herman said as far as giving Mike Papa an exact answer, it is difficult: 14,000 is as reasonable a guess as we can come up with and perhaps we should come up with a better answer for him. The communities that have a greater amount of infrastructure in place have a better capacity but other factors to be considered would be mitigation ordinances being in place, other facilities such as schools and parks, traffic mitigation, etc., he said and added that he thinks 14,000 is a realistic projection however we do need to meet traffic needs in Marysville.

Mayor Weiser said with regard to population and employment forecasts it is being found there are some cities that are running out of room; Marysville felt we could accommodate that figure. Snohomish County Tomorrow has made the commitment to revisit at the least every 5 years, however every city was having a difficult time knowing what to plan for so that's why they are being called targets, he said. Vision 2020 is forecasting a total of over 200,000 population growth for the county, he concluded.

Mike Papa asked who makes and enforces the policy.

Mayor Weiser stated the City Council makes policy, they set up a budget and it's up to the staff and mayor to carry that out. There have been comments regarding a meeting with the county whether that was setting policy or enforcing policy, he said and said he felt it was his job to carry out policy.

Ron Kirkey, 926 Quinn, addressed Council. He referred to a letter in the packets, signed by the neighbors, regarding the property between 9th & 10th on Quinn (917 Quinn) where there is a house and yard cluttered with junk vehicles and garbage. He said they have made calls to the health dept., they have talked to the neighbors and nothing seems to get done. There are people living there that have created a lot of noise, yelling things, etc. and Mr. Kirkey said he helped them a bit last Friday night but they have so much garbage there it's attracting mice and rats. He presented some photos to Council.

Mayor Weiser explain that a couple years ago action was stopped because of a health problem at the house but he said Council will recognize the petition the neighbors have submitted now.

Mr. Kirkey explained there is more than junk cars there, there are old mattresses and that's where the rats and mice live.

Debbie Rounds, 923 Quinn, addressed Council and stated she talked with Mr. Rochon, the City Code Enforcement Officer, and he was going to check with the health dept., she said.

City Planner Hirashima stated the County apparently did not have a file on this but Mr. Rochon is going to set up a meeting about this.

Mrs. Rounds said the real estate agent has told us they will not even list their house with the house at 917 Quinn in the shape it is in.

Kathryn Martin, 917 Quinn, addressed Council. She explained that about a year ago she lost her husband to cancer. Two months ago a health dept. person came by and gave her 10 days to clean up the house; he came back and said she complied except for no covers on the garbage cans. She said as far as all the vehicles in the

MARYSVILLE CITY COUNCIL MINUTES

MARCH 14, 1994

Page 3

yard, her husband was an antique car collector and each of her sons have 2 vehicles apiece. She said she was only told recently about this "junk vehicle" problem. Mr. Rochon is going to come out to the house tomorrow, she said and added that she is trying to sell some of the vehicles because she can't restore them. Also, there was a complaint about the boat, she said and she has it for sale also. She stated she is trying to clean the place up and has at least 3 cans a week. She added she is trying to comply but this is the very first time she knew the neighbors were unhappy. She said she did call one time about getting a dumpster and she could not get one; she said she would be glad to pay for it.

Mayor Weiser said he would check into that for her.

Councilmember Pedersen asked Public Works Director Winckler to check on that also.

Ron Kirkey addressed Council again. He stated she has two sons able to help and that he (Mr. Kirkey) didn't have a problem with helping but he thinks the sons should be helping, too. He said he can take more stuff to the dump for them if she wants, if they pay for it.

Mayor Weiser returned the photos to Mr. Kirkey.

STAFF BUSINESS:**1. Washington Survey and Rating Bureau; Greg Corn.**

Fire Chief Corn stated he is asking Council's permission to pursue a rerate from Washington Survey and Rating Bureau. He noted there are a number of capabilities a fire service/district is rated on and with 10 being the worst and 1 being the best (Seattle is a 2), Marysville, as of 1966 or 1977, whenever it was last rated, is at a 5. Fire District 12 is a 6, he said. He noted there have been many improvements since then, mainly Marysville's purchase of water from Everett, also Enhanced 911, an increased staffing level as well as equipment improvement, etc.

Chief Corn stated the rating would establish fire insurance premiums and if the rating comes down to a 4, for example, it would save business owners about 10% in their insurance rates. To pursue the rerating, he said requires Council approval because of a slight risk of going to a 6 but he said he is 99% sure we would not do that. He said they would like to begin the process by this fall.

Councilmember Herman asked if this would also make a difference in homeowners' premiums and Chief Corn said yes, however it's more discretionary and makes more of a difference with the businesses/commercial end of it.

Councilmember Baxter noted that until we merged with Fire District 12 we actually didn't change a lot but Marysville now has some very significant improvements with water from Everett, the merger with Fire District 12, etc. and he said he thinks it would be very appropriate to go ahead with the new rating. He added that he can't imagine going backward on the rating because we have made so many changes and he said he thinks we would get at least the same rating, if not better.

Chief Corn stated it also would give the fire dept. some guidelines as far as where to make additional improvements.

Councilmember Myers asked if there would be any cost of the rerating to the City and Chief Corn said there would be no more cost to the City, but he is not sure how much it will cost the fire dept. He said he would check on that in the morning.

Councilmember Baxter said the only thing Marysville might get downgraded on is our older fire truck.

Mayor Weiser asked how they view mutual aid agreements and Chief Corn stated that they are favored, especially if you train with them, which is what Marysville does. He said basically the rating bureau is only interest in the fire suppression capabilities, though, not the medic units.

Councilmember Baxter moved and Councilmember Pedersen seconded to all the Marysville Fire Dept. to pursue rerating by the Washington Survey and Rating Bureau. Passed unanimously.

Mary Swenson reported Dave Zabell is attending a National League of Cities Conference and will be back Thursday; she will be providing more information soon on an upcoming AWC Conference in Spokane 6/14 to 6/17/94 and The Community Information Officer position has been advertised with closing date to be 3/30/94.

City Planner Hirashima reported the Comp Plan Open House comment compilation was taken verbatim and has been included in the packets for Council's information.

With regard to Accessory Housing, she stated AWC is putting on a training session next Monday in Issaquah at no charge and some Councilmembers may be interested in attending.

She reported the Planning Commission is ready to have a joint meeting with City Council on the PRD ordinance and 3/22 at 7 p.m. was discussed as well as possibly meeting earlier to visit some of the PRD sites in Marysville. Consensus was to meet at 5 p.m. at City Hall.

City Planner Hirashima referred to a memo in Council packets regarding used car sales. She stated a number of phone calls have been received regarding opening used car lots in Marysville. She explained the code limits that they be in Industrial zones and these people were concerned that they should be allowed in General Commercial zones where the car lots have more visibility. She stated they also received a call from someone who is leasing cars only, not selling them and she said she was wondering if Council wants to review these policies/codes.

Councilmember Pedersen stated she thinks it does make more sense for tem to be in a General Commercial area for visibility.

Councilmember Herman clarified that only new car lots are allowed in General Commercial zones in Marysville at present.

City Planner Hirashima stated it would be reasonable to change our code to allow used car lots in a General Commercial zone such as Everett does.

There was discussion about dealership licenses, approval being required by the Washington State Patrol, lease programs being strictly financial programs and not used or new car sales.

Councilmember Pedersen asked if changing the code as City Planner Hirashima has suggested would remove the for sale by owner lots at K-Mart, for example and would this preclude a person with a lot of junk cars from getting a used car lot business license.

City Planner Hirashima said the K-Mart issue would be a private property matter; the junk cars are in a residential area and not General Commercial or Industrial.

Councilmember Myers stated he believed there is a law that a private citizen can sell 6 vehicles a year without a dealer's license.

Councilmember Baxter said he would want to see a change so that a used car lot would be allowed in retail sales, a Community Business Zone or a General Commercial Zone.

Councilmember Pedersen stated this probably depends on the Comp Plan and Councilmember Baxter added that you can have a new or used car lot in a Mixed Use Zone, for example, where you have retail.

Mayor Weiser suggested limiting it to General Commercial and Community Business with a review at a later time.

Councilmember Pedersen asked about the zoning at Cedar & 8th and City Planner Hirashima stated it is General Commercial.

City Attorney Weed stated he would bring back a draft ordinance as per Council discussion tonight.

Virgil Russell, 4409 216th SW, Mountlake Terrace, WA 98043, addressed Council. He stated the simplest way would be to say "New or Used" not "New and Used" as per th current ordinance.

It was explained to him that the city attorney will be bringing back a draft ordinance to cover this.

Public Works Director Winckler reviewed Change Order #6 for the WWTF in the amount of \$5,558.00 or .75% of the electrical contract. This is for circuitry design flexibility, for example, so that motors can be increased from 15-25 hp, to allow for additional pumps and filters, increase conductor size and adding motor contol lights. He stated this is well within the standard for electrical contingencies and is very much in order.

The second item Public Works Director Winckler brought up was a reminder for Council of another tour of the WWTF set up for this Friday at 3 p.m. (3/18/94).

Parks & Recreation Director Ballew reported the Parks Board will be eeting with Michael Shane regarding updating the 1989 Parks & Recreation survey/comp plan. He also reported they have been asked to set up a tour of the golf course before 3/28 at which time the Golf Committee will be making a presentation to Council.

City Clerk/City Administrator Pro Tem Swenson reminded Council that if they wish to tour the golf course with more than 3 Councilmembers present at a time, a special meeting would need to be called, with 24 hours notice.

After brief discussion, it was the consensus to call a special meeting of Council for 3/17 at 3 p.m. for a 2 hour tour, to meet at the pro shop, as there would be at least 4 Councilmembers in attendance.

MAYOR'S BUSINESS:

Mayor Weiser reported the 3/21 meeting with the County has been cancelled. He reminded Council that the retirement party for Doug

MARYSVILLE CITY COUNCIL MINUTES
 MARCH 14, 1994
 Page 6

Ronning will be 3/21 at 4:30 to 7 p.m. Also, there will be a CT Citizens Advisory Meeting at 7:30 p.m. on Wed. 3/16/94 as well as an Everett Naval Station Dedication Ceremony 4/8/94 at 10 a.m.

He reported that last week he talked to the court administrator regarding court space and apparently the problem in Everett was not enough judges, not not enough court room space.

Mayor Weiser also reported he has been in contact with the County Executive about a meeting with Bob Drewel, John Garner, Marysville City Council and Mayor Weiser. April 19th was suggested. General issues to be discussed. After brief discussion, it was decided Mayor Weiser would try for a Monday night before a City Council meeting, say 5:00 p.m. or 6:00 p.m.

Councilmember Herman stated he will be in Washington, DC the 3rd Monday of March and Councilmember Wright stated she will be in Washington, DC the 3rd and 4th Monday of March.

CALL ON COUNCILMEMBERS:

Councilmember Myers stated he saw an article in the Globe regarding donation to the boat launch. Judging by the amount of donation made, it was decided these must have been the original donations from 38 years ago.

Councilmember McGee said there will be a Fire Board Meeting at 7 p.m. on Wednesday. He asked if a motion was necessary on the WWTF Change Order and the City Attorney stated it was not necessary.

Councilmember Herman mentioned again the CT Citizen Advisory Committee meeting and stated this committee has proven to be very a very valuable communication tool for CT. He apologized for not being able to make the recent DARE graduation as he had conflicts and asked about a copy of the "Marysville Beckons" brochure from the Chamber.

Mayor Weiser stated each Councilmember will be receiving their own copy of "Marysville Beckons" from the Chamber.

Councilmember Herman thanked Mary Swenson for the Human Services Requests update memo.

Councilmember Leighan asked about City payment to the Chamber for "Marysville Beckons" and he was told the Chamber hasn't billed the City for it yet.

Councilmember Leighan reported the Foothills Park dedication will be Sunday and the Northpointe Park dedication time and location is still TBA. He reported that he attended another District Court Meeting and they are examining the process further as far as number of judges and commissioners for each district.

Councilmember Pedersen asked where the dispatcher hiring process is and Mary Swenson explained that out of 96 applicants, 50 were tested and the grading now needs to be done, oral boards and then the three top applicants will be interviewed/reviewed by the Mayor.

Councilmember Pedersen reported she will be absent for the 3/28 Council meeting.

Councilmember McGee asked about the Community Information Officer position, whether it will be advertised at the same level as Roger left it.

CORRECTED: SEE 3/28/94
 MINUTES s/b April

MARYSVILLE CITY COUNCIL MINUTES

MARCH 14, 1994

Page 7

City Clerk/City Administrator Pro Tem Swenson responded that yes, it is a Grade VIII but the job description was updated slightly because it needs to reflect more cable casting and some of the other duties that were not in reality part of the position were excluded from the job description.

Councilmember Pedersen asked for a copy of the current updated job description and City Clerk/City Administrator Pro Tem Swenson said she would supply the Council with a copy.

Councilmember Baxter reported they are going to discuss medic services at Wednesday night's Fire Board meeting. He asked Public Works Director Winckler to look at the concrete apron in front of the fire station bays as it needs repair, he said.

Mayor Weiser said he might possibly have to be gone 3/28 in addition to Councilmember/Mayor Pro Tem Pedersen, in which case, he explained that City Attorney Weed would lead Council in choosing chair for the evening.

PROCLAMATION:

Councilmember Pedersen read a Proclamation that 3/22/94 be declared American Diabetes Alert Day.

Councilmember Pedersen moved and Councilmember Baxter seconded that the Proclamation be signed by the Mayor and adopted. Passed unanimously.

PUBLIC HEARINGS:**1. Charles Okada Rezone; PA 9306020; Continued from 2/28/94.**

City Attorney Weed asked for those who wished to testify to be sworn in and no one raised their hand.

City Planner Hirashima reviewed the agenda bill.

Bill Roberts, 4129 76th NE, addressed Council as the applicant's representative. He stated they were trying to get everyone together on this but Mrs. Edmonds had to go in for surgery and they were not able to get the 24 hour readings but noise levels were taken with the doors open and the machine shop in full operation where it was the level of a normal conversation, he said. In his observation, there is more noise from the freeway than from the machine shop, he said and added the applicant feels his usage is compatible with the machine shop given the noise level they experienced with the test. He reminded Council they have agreed to reverse the site plan as well as planning for additional trees along the south property line between their property and the Edmonds property. Also, the machine shop is not immediately adjacent to the Okada property, there is a General Commercial zone separating the two properties, he noted. He said they feel it's a compatible use within the area and are willing to include an agreement or language that would go with the land to the effect that they are aware of the machine shop use next door. Between the binding site plan and the recorded language, he said they feel they are making any future owner aware of the situation.

Councilmember Herman asked about an updated site plan without stacked parking and Mr. Roberts stated they have moved the units and Council should have the new site plan.

Councilmember Baxter commented that spaces 9-14 are for very compact compacts are at least that's the way it looks on the site plan.

MARCH 14, 1994

Page 7

MARYSVILLE CITY COUNCIL MINUTES

MARCH 14, 1994

Page 8

City Planner Hirashima stated the Planning Dept. has not actually reviewed the parking yet as to adequate size.

Councilmember Pedersen made the disclosure that she and her husband own property 300' away, the same disclosure she has made in the previous Okada public hearings. She stated she felt she could hear this matter in a fair and impartial manner. There were no challenges from the audience.

Mr. Roberts noted the binding site plan still has to go through the approval process, with conditions.

City Planner Hirashima added the Planning Dept. would have to verify that the alternative parking is to code.

Councilmember Pedersen asked about a concrete barrier vs. trees between the properties and Mr. Roberts said he would assume that concrete is probably better.

Councilmember Baxter asked what type of trees they are planning on putting in and Mr. Roberts stated "bushy and evergreen"--that would be filled in by a nursery person.

Councilmember Wright asked about the north side and Mr. Roberts stated that is General Commercial, not Industrial and General Commercial is not generally a high generator of noise. He stated one of the uses suggested might be a nursery/retail use with trucks coming in and out once in awhile.

City Planner Hirashima noted on the landscape plan the applicant has a sight obscuring fence depicted.

Mayor Weiser noted the public hearing is still open, if anyone further wishes to testify.

City Attorney Weed asked Mr. Roberts why Mrs. Edmonds' decibel readings seemed to be higher than his consultant's.

Mr. Roberts gave as an example a dump truck--Mrs. Edmonds indicated 80 DB and that is if you are right next to the dump truck but not from the distance the Okada property is away from the machine shop. So her figures did not take distance into account, he said.

City Attorney Weed asked if it takes any expertise to run a decibel reader and Mr. Roberts said he believed very definitely there is training involved, calibration of the equipment, etc. and that is why he hired someone who is familiar with the process, rather than attempting to do it himself.

Martha Sherry, 6804 Bayview Dr. NW, Marysville, was sworn in and addressed Council. She said she just wants to make sure they are going to be able to build right up to their property line within the General Commercial zoning.

City Planner Hirashima said regarding the setback issue there is an additional restriction with a residential use next to their General Commercial zoning, noting she had requested that a finding be made on this.

Mrs. Sherry reminded Council that the Sherrys owned property prior to the Okada ownership and apartments going in.

Councilmember Leighan referred to another property and asked when it went from residential to General Commercial.

MARYSVILLE CITY COUNCIL MINUTES
MARCH 14, 1994
Page 9

City Planner Hirashima noted there are quite a few legal non-conforming uses in that area that the City is allowing. She stated the original zoning was General Commercial.

Mrs. Sherry argued that in the '72 Comp Plan it was Light Industrial but then all of a sudden, it went to General Commercial. She said they bought it as Light Industrial because that is what they had to have for a daycare center, they were told at the time.

Councilmember Baxter said he doesn't ever remember it being zoned Light Industrial.

City Planner Hirashima said all the Planning Dept. can locate is a General Commercial zoning for Sherry's property.

Mayor Weiser stated Council will decide on the setbacks.

Councilmember Herman said it looks like the applicant's building has a 14' setback and he asked if he had any objection to the General Commercial coming right up to their property line.

Mr. Roberts said no, they have no objection and that they feel they have enough buffers and it should be compatible.

Councilmember Wright asked about location of the dumpster because a lot of times it takes up a legitimate parking space.

Councilmember Leighan noted he only sees 14 covered spaces but it says there are 16 on the drawings.

Mr. Roberts agreed he only sees 14 also but this is still going to have to be reviewed and if they can't provide adequate parking, they will have to give up one unit, he said.

City Planner Hirashima said she thinks they are still within the requirements because they had more than they needed originally and then with the stacked parking change, they eliminated 2 spaces but she is almost sure they are still within requirements, she said.

There being no one further who wished to testify in this matter, this portion of the public hearing was closed at 8:50 p.m.

Councilmember Leighan asked about Acro Machining and City Planner Hirashima stated 1065 Beach is under a conditional use permit, the property to the north of that, immediately south of the Okada (1067) property is not under that conditional use permit, it's built within the General Commercial zone, although the storage warehouse may require revision to the use, she said.

Councilmember Leighan asked about a disclaimer and City Planner Hirashima said there was a permit given for a storage building that may have come about because of the business expanding.

Councilmember Leighan said he is wondering if the average person understands the City requirements, eg. with the lawnmower shop a couple years ago that came up.

City Planner Hirashima explained that over time some things just evolve and the storage building was probably considered part of the General Commercial use.

Councilmember Pedersen said she thinks it needs to be made a part of the record that Council can't guarantee all the things Mrs. Sherry requested in her letter, such as harassment. Council can't control all these things or place future restrictions on any future City Councils.

MARCH 14, 1994

Page 9

MARYSVILLE CITY COUNCIL MINUTES
MARCH 14, 1994
Page 10

Councilmember McGee asked if the rest of the Council feels comfortable with the noise testing; he said he feels a little uncomfortable because Bill Roberts and the Edmonds were going to meet on the noise issue.

Councilmember Pedersen stated she feels more comfortable with a professional reader versus an "amateur". (She said she uses the word "amateur" loosely.)

Councilmember McGee said he is wondering if there are some activities that haven't been tested.

Councilmember Herman commented that freeway noise to him is a constant, not objectionable, but a noise out of a machine shop can be variable and sometimes very high. He noted a professional did not come to Council with expert testimony per se so he can understand a certain amount of concern on that issue. However, he said that may not be the most critical issue. He said he sees the most critical issue as the change in the site plan and other attempts to buffer as well as their willingness to work with the machine shop, knowing that is a presence in the area and those issues tend to offset. He said yes, there is a potential for problems but they are making every effort to alleviate any future problems.

Councilmember Pedersen asked who is taking the real risk here; she said she thinks it's the developer in possibly trying to resell the property or renting out the units.

Councilmember Wright talked about enforcement and how future City Councils will look at this.

Councilmember McGee asked what kind of "teeth" would an agreement have as far as being binding on prospective purchasers.

City Attorney Weed said he doesn't think that necessarily protects the City. He said the City does have a noise ordinance on the books which is very difficult to enforce; the City doesn't have the equipment nor people trained to operate the equipment but if the applicant is willing to have disclosure language agreement, then the onus is taken off the City.

There was discussion about the noise trains make in comparison with a machine shop, allowing apartments in a General Commercial zone on a conditional use permit, the proposed Comp Plan having designation consistent with this development, people being invited to make comment on the current Comp Plan update, mixed use in that area.

Councilmember Baxter said he doesn't have a problem with Mr. Roberts' assurances regarding having conditions and disclosures in an agreement; they are now on record also, but it sounds like we have covered all the neighbors concerns.

Councilmember Pedersen asked if a time limit should be put on recording of the agreement/conditions:

- 24 hours a day
- before the building/occupancy permit
- setbacks
- disclosure regarding machine shop on the binding site plan.

There was more discussion about the timing.

Councilmember Baxter moved to approve the recommendation of the Hearing Examiner subject to conditions recommended by the Hearing Examiner and in addition to the revised maps/drawings, a condition

MARYSVILLE CITY COUNCIL MINUTES
MARCH 14, 1994
Page 11

that would 1) require the recording of a binding site plan or written covenant that discloses to prospective purchasers of the ongoing activity in the area; 2) recognize that there is a zero lot line setback for the adjacent uses and 3) disclose to any prospective tenants by the owner of any ongoing activities in the vicinity.

Councilmember Pedersen seconded the motion and it passed 6-1, with Councilmember McGee against.

REVIEW BIDS:

1. 72" Rotary Deck Mower; Golf Course.

Parks & Recreation Director Ballew referred to the bid list he passed out and he said this is a budget item. They received 5 bids and out of those 5, only one met all the specifications, he said. Unfortunately, that was the highest bid but he said staff recommends Superior Turf's bid in the amount of \$14,995 plus tax of \$1,229.59, totaling \$16,224.59. He noted this was budgeted for \$18,000.

There was discussion about safety of this equipment, being hydraulic 4 wheel drive with 72" hydraulic rear discharge.

Councilmember Baxter moved and Councilmember Herman seconded to accept the bid from Superior Turf as recommended by staff. Passed unanimously.

CURRENT BUSINESS:

1. Palmer Tracts Annexation; 60% Petition; PA 9309029.

City Planner Hirashima reviewed the agenda bill and after brief discussion, Councilmember Myers moved and Councilmember Wright seconded to accept the 60% annexation, and set a public hearing date of 4/4/94, said annexation, if approved, to require adoption of the City's bonded indebtedness and comprehensive plan designation for the annexation.

The motion passed with Councilmembers Pedersen and Herman against.

NEW BUSINESS:

1. Proposed Animal Draft Ordinance.

City Planner Hirashima explained this issue comes up with a lot of annexations and she passed out the draft ordinance that will be submitted to the Planning Commission. She stated some early comments were that small farms should be addressed in this ordinance also and she said they are working on additional language for inclusion in this ordinance.

Councilmember Herman said he had a concern on that also, the right to farm, some of the areas that might want to continue with farming use after being annexed. He said he doesn't think this draft ordinance goes far enough and said he feels it's urgent to include a small farm section.

Councilmember Baxter asked about the difference between a small farm and a commercial farm and City Planner Hirashima said she thinks the commercial farm is more like 5 or 10 acres whereas a small farm would be where they are not making their living at raising animals or crops--it's for horses, for example. She said they recently received a letter where they were annexed into the

MARYSVILLE CITY COUNCIL MINUTES
 MARCH 14, 1994
 Page 12

City (6 acres) and they want to maintain their livestock in conjunction with a residential use. She noted there have never been problems with this but want to give people assurance that they can maintain their right.

Councilmember Baxter noted in order to be considered a farm there is only certain things you can have but when you get to 10 acres and produce \$1,000 of income, that is considered a commercial farm. He asked if that is gross or net profit (\$1,000).

Councilmember Pedersen commented that some of the areas where Council has talked about annexations, they have had more than the 2 animals or fewer per acre allowed and she said she would like to see this sent back to the Planning Commission and incorporated with the small farms language.

City Planner Hirashima explained this would be added to the existing code.

Councilmember Pedersen said she thinks part of the existing ordinance needs to be reviewed, for example, removing manure, distances from a residence; some of these things are quite impractical and unworkable in a lot of cases, it was noted.

City Attorney Weed noted the City's original animal ordinance was adopted in 1904!

Councilmember Pedersen also suggested flexibility with people who have 4 or more animals or "where there have been no complaints from neighbors" -- restricting the number only after there have been complaints from the neighbors, she suggested.

There was discussion about requiring a person to have a kennel license just because they exceed 4 dogs, the nuisance ordinance coming into play perhaps where the animal ordinance fails, licensing your animals, conditional use permits implying that you can make your situation compatible with the surrounding area, small dogs versus large dogs, reviewing animal license fees. It was noted that Mary Swenson and the Animal Control Officer have set up a meeting for 3/29 to review license fees.

The consensus of the Council was to send this matter back to the Planning Commission for further revision.

CONSENT AGENDA:

1. 2/28/94 Payroll in the amount of \$468,546.75.
2. 3/14/94 Claims in the amount of \$732,233.85.
3. Accept Emergency Generators for 3rd St. & 51st Av. Sewage Lift Stations and Begin 30 day lien filing period.
4. Accept Telemetry System - City Sewer Lift Stations; City Instrument Co. Inc. and Begin 30 day lien filing period.

Councilmember Myers moved and Councilmember Pedersen seconded to approve Consent Agenda Items 1, 2, 3 & 4. Passed unanimously. (Councilmember Baxter abstained on voucher #18987.)

ORDINANCES & RESOLUTIONS:

1. Ordinance Amending 1993 Budget.

Finance Director Wilson stated this is to formalize 1993 budget amendments plus some additions:

- appropriation of excess cash carry over of \$192,329
- expenditure of Tribes gambling funds for 2 computers and network terminals.

MARYSVILLE CITY COUNCIL MINUTES
MARCH 14, 1994
Page 13

Finance Director Wilson explained that this request came in before the gambling funds which have restrictions (to be used for law enforcement) and he recommends because this was approved, transfer the request to the Cumulative Reserve Fund where the funds are. He reviewed the adult parole request, noting the expenditure is to be offset by anticipated revenue. The Growth Management Fund transfer to the state fund was approved by the City Administrator, he said and he recommended closing out LID 364 for 67th Avenue improvements.

Councilmember Pedersen said she was always of the understanding that Growth Management Funds were mainly to be used for parks.

Finance Director Wilson said, no, the fund is made up of park and traffic mitigation fees; parks funds are restricted for parks expenditures only, however.

Councilmember Pedersen said with the Tulalip gambling fund, she thinks the income should be put into the Cumulative Reserve Fund with the expenditures then coming out of that fund, noting that the computers are to be used for the police dept.

City Attorney Weed suggested amending the ordinance wording either through a motion tonight or having Finance Director Wilson bring back an amendment.

Finance Director Wilson stated he would like to set up a Fund #104 for the gambling funds.

Councilmember Herman stated as long as there is no problem with timing he would suggest Finance Director Wilson do that, with the amended ordinance to be brought back to next meeting. Consensus.

2. Ordinance Annexing Certain Unincorporated Area Known as the Fagan Property into the City of Marysville.

Councilmember Wright moved and Councilmember McGee seconded to approve/adopt Ordinance #1980. Passed unanimously.

LEGAL MATTERS:

1. Professional Services Contract with Hong West & Associates.

Public Works Director Winckler explained Hong West is the geotechnical firm working with Reid Middleton on the 67th & 71st project. They were working as a subcontractor but it was decided to have a contract directly with them and staff recommends approval.

Councilmember Herman asked if this is to avoid a markup of services and Public Works Director Winckler stated it is.

Councilmember Myers moved and Councilmember Baxter seconded to authorize te Mayor to sign the contract with Hong West. Passed unanimously.

2. Golf Pro Contract.

City Attorney Weed explained this extends the golf pros contract for a year through 12/31/94; there was a change in automatic renewal wording.

City Clerk/City Administrator Pro Tem Swenson explained there was an evaluation done on the golf pro and that was one of the reasons for the delay in getting the contract typed up.

MARYSVILLE CITY COUNCIL MINUTES
 MARCH 14, 1994
 Page 14

Councilmember Pedersen asked with the upcoming Golf Board review if perhaps Council should wait on this.

City Attorney Weed said noted the contract still contains an early termination clause that would cover the City.

City Clerk/City Administrator Pro Tem Swenson said there was also a discussion that the end of the year would be a good time to make any changes, if necessary.

Councilmember Baxter moved that the Mayor be authorized to sign the contract extending Don Shaw's term to 12/31/94. Councilmember McGee seconded and the motion passed unanimously.

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

- | | |
|-----------------|-----------|
| 1. Real Estate. | No Action |
| 2. Litigation. | No Action |
| 3. Personnel. | No Action |

RECONVENE & ADJOURN: 10:34 & 10:35 p.m.

Accepted this 28th day of March, 1994.

David Weisen
 MAYOR

Wendy Swenson
 CITY CLERK

Wanda A. Swenson
 RECORDING SECRETARY