

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MAY 9, 1994  
CALL TO ORDER: 7:00 p.m.  
ROLL CALL: All present  
MINUTES OF PREVIOUS MEETINGS: 5/2/94 Approved  
AUDIENCE PARTICIPATION: None

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STAFF'S BUSINESS:

1. Wastewater Treatment Plant Update - Larry Wade

MAYOR'S BUSINESS:

1. Proclamation; Poppy Days; May 21 and 22, 1994

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS: None

PRESENTATION: None

PUBLIC HEARINGS:

1. Poortinga & Sunnyside South Annexations Approved
2. Conditional Use Permit; Asbury Place/Graham; PA 9401001 Approved

REVIEW BIDS:

1. Cement Concrete Curb, Gutter & Sidewalks Const. Contract 94-01 Approved

CURRENT BUSINESS: None

NEW BUSINESS:

1. Strawberry Festival Proposal Approved
2. Authorization to add 200 hrs. to JAK Engineering Contract Approved

CONSENT AGENDA:

1. 5/9/94 Claims - \$694,620.32 Approved
2. Prof. Services Contract for '94 Water System Improvements; Extension of Evt/Msvl. Pipeline from 83rd & 64th St. to 83rd & 84th St. via the Olympia Pipeline Right of Way Approved

ORDINANCES & RESOLUTIONS:

1. Res. of Intent to Issue Bonds Res. 1683 Approved

LEGAL MATTERS:

1. Professional Services Agreement w/Hammond, Collier, Wade et al Mayor authorized to sign

ADJOURNMENT INTO EXECUTIVE SESSION: 10:22 p.m.

1. Real Estate No Action
2. Legal Matters No Action

RECONVENED & ADJOURNED: Approx. 11:25 p.m.

MARYSVILLE CITY COUNCIL MEETING

MAY 9, 1994

7:00 p.m.

Council Chambers

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

CORRECTED: SEE 5/23/94  
 MINUTES

CALL TO ORDER:

Mayor Weiser called the Council meeting to order at 7:00 p.m. 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:

Councilmember Herman noted in the 5/2/94 minutes, halfway down page 3, the sentence should end after the word "week": "Councilmember Herman commended Sgt. Winters on a good job of following up something for him last week."

On page 2 in the second paragraph from the bottom, Councilmember Leighan asked that "3 year assignment" be changed to "regular assignment."

City Administrator Zabell noted on page 2 in the last sentence, the position would still be held by the "Dispatcher" (not by a police officer).

On page 4, Councilmember Leighan noted under his remarks about the putt putt golf, under Call on Council 2nd paragraph, that the putt putt golf on Columbia had been remanded to the hearing examiner and it had not come back to Council. The house on the corner of 10th & Columbia was a separate issue where he had asked if it was commercial or residential zoning.

On page 5, Councilmember Pedersen stated in the 8th paragraph from the bottom, her comment was at what point do they have to replant?

There being no further corrections or comments, Councilmember McGee moved and Councilmember Leighan seconded to approved the 5/2/94 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

*s/b of Council representatives to the Fire Board*

City Administrator Zabell reminded Council of the meeting ~~tomorrow at 6:10 p.m. to review the Dispatch operations/position.~~

CORRECTED: SEE 5/23/94  
 MINUTES

City Planner Hirashima reported the Planning Commission is currently working on the animal code ordinance, small farms and the zoning code and she said she believed they will be concluding these soon. Cheyne & Associates, Consultants for the Parks Comp Plan will be meeting with the Planning Commission tomorrow night, she said and she will be presenting the Comp Plan Workshop summary at the next Council meeting.

Public Works Director Winckler reminded Council of the 5/12 RUSA meeting and that the meeting listed on the agenda as a Traffic Advisory Meeting will actually be a Traffic Safety Meeting (5/12).

Wastewater Treatment Plant Update - Larry Wade

Mr. Wade first of all reviewed Change Order #9 for a 125 KW generator, receptacle and auto dialer. Hammond, Collier, Wade estimated this would be \$59,800 but did allow up to \$75,000; PK's actual bid came in at \$67,364 which is .92% of the total cost of the Wastewater Treatment Facility and the total of all change orders amounts to 1.93% of the total cost, he said. He stated Hammond, Collier, Wade are recommending acceptance of PK's bid.

Mr. Wade then gave a status report of various components at the WWTF: training and startup of the filter has begun, the lab is almost done, they are in the final stages of installation of the head works; the dike, road and boat ramp are in an ongoing stage; they are reinforcing at the pump stations and they are about ready to start site work and fencing, with an estimated completion time of the end of June.

On the structural reinforcement, he reported PK has submitted a cost estimate for the additional reinforcement needed and are waiting for approval to proceed. The filtration system will be on line in time but there may be some delay on two components, he said.

Mayor Weiser asked if the change orders are still within the parameters of the total project and Mr. Wade said yes, in fact, they are very low.

Councilmember Baxter asked about the roadway around the dike and Mr. Wade said they will be using the same road with fencing around the outside of the dike with no public access to be allowed. He said this decision was just made today.

Councilmember Baxter asked if there is going to be public access to the old log dump and Public Works Director Winckler said he hasn't seen a copy of the final plan yet but he knows there were some security concerns from the surrounding neighbors.

Councilmember Baxter stated it was part of the original plan to have public access.

City Administrator Zabell noted that the Public Works Dept. needs to concentrate on the WWTF facility and they were trying to get an easement over the old log dump road but they were unable to do that. In order to do that, they would have to set up a separate permitting process for the boat launch, he explained.

Councilmember Herman noted there is significant public property there and the public needs to maintain public access. He said he would support Councilmember Baxter's request that the original plan for public access be adhered to.

Councilmember Baxter explained that what he is talking about is just a ramp where you have to carry your boat (a cartop or light boat/kayak) and he said he would not want to encourage boat trailers on that road. He added that they talked at one time about a fence on the inside and the outside.

Councilmember Herman said he is unclear about the fence on the outside; he said he understands the safety issue as far as protecting adjacent neighbors for the inside property. ~~delete~~

*add: regarding fencing of the lagoon*

CONNECTED.  
MINUTES  
SEE 5/23/94

Public Works Director Winckler pointed out there have been a number of concerns from adjacent property owners who have had things missing but Councilmember Herman pointed out that he may have a strong need for a fence but the City is not obligated to provide the fence.

Councilmember Baxter said his concern was for safety so that vehicles would not drive off the dike.

It was the consensus that this discussion should be continued at the RUSA meeting on Thursday.

MAYOR'S BUSINESS:

1) Mayor Weiser announced a meeting Wed. at 7 p.m. with himself, Councilmember Baxter and Councilmember McGee concerning the golf issue.

2) Regarding the Parks Comprehensive Plan and requirements for grant applications, the State is recommending more public participation in this process and so the Mayor stated he will be forming a citizens advisory committee to work in conjunction with Cheyne & Assoc. and the Parks Board on the survey. He said they are looking for a committee of 8-11, it's a 2 month process and they would probably meet once a week for a couple months.

3) The Mayor read the Poppy Days Proclamation, declaring May 21 and 22, 1994 Marysville Poppy Days, to help "Honor the Dead by Helping the Living."

CALL ON COUNCILMEMBERS:

Councilmember Pedersen gave an update on the Fire District questionnaire, stating they had received a 37.5% response so far. She reported the Library Building Committee will meet again 5/8 at 3 p.m. and there will be an architectural presentation on the 23rd.

Councilmember Myers stated he will be out of town for the next Council meeting and for the PRD tour/meeting.

Councilmember McGee mentioned a problem with regard to 57th being very dirty from local contractors and he had to call the City Street Dept. twice to try and get it cleaned up.

Public Works Director Winckler explained the contractor is responsible for cleaning up but his sweeper was down. He added the City would rather not go out and clean up after the contractor but if they have to clean up after the contractor the City would bill them. He said if the contractor hasn't flushed the street by tomorrow, the City will do so and charge the contractor accordingly.

Councilmember Herman asked for information on Human Services funding that was released to the press.

Jim Shaw, 6702 57th NE, addressed Council. He reiterated that there have been a lot of dust problems on 57th and since their home is exposed to the southerly winds they have really had a bad problem with everything in the house getting dusty, etc. He said it would be greatly appreciated if the City could have a truck out there with water capabilities as soon as possible and he added that it sounds like the contractor needs a backup street cleaner, because he knows those things aren't always very reliable.

Councilmember Leighan asked if Mr. Shaw had complained to Centex and Mr. Shaw said they are just about to do that. He added that this problem is affecting a lot of people in the vicinity.

Mayor Weiser said the City will be talking to Centex about this.

PUBLIC HEARINGS:

**1. Poortinga and Sunnyside South Annexations.**

Mayor Weiser reviewed the public hearing procedure thoroughly and had City Attorney Weed swear in those who wished to testify.

City Planner Hirashima reviewed the agenda bill, noting 2 petitions were received and she referred to the overhead vicinity maps. She noted the Poortinga property is 525 acres with a 75 acre overlap included in both annexations. The Sunnyside South petition was originally received in 1993 and the Poortinga petition was received originally in 1994 but they both have very similar issues, are contiguous to each other and it has been decided to hear them together, she said. She noted there have been many discussions with the Snohomish County Council and this area was included in the UGB for Marysville, in addition to which a Memorandum of Understanding regarding annexation and conditions was signed by the City and the County Council. She noted the MOU is the basis for an interlocal agreement which has to be signed addressing the following issues:

- flood plain/surface water management
- land use designation of residential and recreational areas
- mitigation
- other issues relating to changing from rural to urban use

City Planner Hirashima stated the two issues which must be addressed are the interlocal agreement finalization which should be completed prior to the Boundary Review Board Hearing or any final action and 2) the zoning issue: Currently this area is in Snohomish County with rural conservation, residential 12,500 and Ag 10 all within the area. For one thing, it has been agreed that this area needs to be removed from the Ag Preservation Area. She said she spoke with the County last week and they indicated that it would be taken out of the ag designation. With regard to the Rural Conservation zone it would be necessary, if approved, to adopt a temporary RC 2.5 zone until final action has taken place, she said.

Councilmember Pedersen noted she couldn't find the Sunnyside South petition in her packet and City Planner Hirashima stated it was probably left out of the packets, but it was certified 10/28/93 with signatures representing 64.6% of the total assessed valuation. She stated no covenants were taken in the Sunnyside South Annexation area.

Councilmember Herman asked about current business uses in the area, noting there was some concern about whether they would be still allowed to operate legally once the area is annexed.

City Planner Hirashima stated two of the uses indicated they are operating under a current Snohomish County license so they would be classified as legal non-conforming uses. The other one, she said she believed the City's small farm ordinance will address. She said they also talked about the sale of autos, which would be an illegal non-conforming use.

Councilmember Pedersen asked if that would affect their signature on a petition and City Attorney Weed stated a signature on a petition does not leave room for negotiation with the City as far as conditions of annexation; it appears that the Planning Commission has given them information about the annexation which is all the City is obligated to do, he said.

Councilmember Pedersen suggested the City should have corresponded with them and Councilmember Herman agreed, adding they should also have been involved in the Planning Commission process.

City Attorney Weed stated the farming issues have been discussed by the Planning Commission which is an open hearing process.

Councilmember Herman reiterated that the particular person affected should be encouraged to get involved in the process.

Reid Shockey, 2924 Colby, Everett, addressed Council, representing Mr. Poortinga. He noted this is about a 400 acre annexation of which Mr. Poortinga owns about 270 acres. Mr. Poortinga has been

pursuing this annexation for some time, his farm has been more and more impacted by the surrounding development and in effect, he has a drainage problem, Mr. Shockey stated. He continued that Mr. Poortinga wants to buy another farm up by Silvana and would like to continue to farm. It has taken this long because of the City wanting to carry through with the Comp Plan/UGB and GMA process, he said and the potential purchasers of the property understand the new Comp Plan and want to conform. The proposal is to put in a golf course on the lowlands with the uplands maintained as residential and with the recreational development, he said they agree it needs to be in conformance with the Shoreline Management Act. He said there was concern about public access and the potential purchasers understand the need and importance of public access to the waterfront. He stated drainage is a problem for Mr. Poortinga--hydrologists have looked at the property and it's their opinion that Mr. Poortinga's farm can turn a problem into an asset. Snohomish County has a concern with water quality and there is design technology available to maintain and/or improve surface water as far as water quality is concerned, he said. They are now within the UGB and they had the surrounding neighbors at an open house and it was a unanimous decision to have Mr. Poortinga's farm deleted from the Ag Preservation Designation/Map, he stated. He concluded that they believe they are conforming with all issues, the Comp Plan, the county, state agencies, etc. and Mr. Poortinga has waited a long time for this and they would like to see this annexation proceed through as quickly as possible.

Maurice Huffman addressed the Council (he signed the Poortinga Annexation Petition) and stated he is in support of the Poortinga Annexation and thinks the City should go ahead with it. He pointed out that Mr. Poortinga has been flooded out unfairly and Mr. Huffman said he thinks the annexation should be approved.

Tony Campbell, 4415 Sunnyside Blvd., addressed Council and noted the golf course is bound to create more traffic and his concern is to improve the road because it's pretty bad.

Mayor Weiser explained that as development occurs, the City requires frontage improvements from them.

Mr. Campbell stated the access for the golf course is short compared to the total need for improvement.

City Administrator Zabell added that the City will also be doing some minor upgrades to the road, once the property is annexed.

Merle Bunn, 6226 46th St. NE, speaking on the Poortinga Annexation, addressed Council, stating he is well aware of the problems in that neighborhood but as he looks at the signatures on the petition, he said the only thing he sees going to happen is higher taxes once they come into the City; he said he knows it's a good deal for Mr. Poortinga but he said he would like some commitment that this area won't be turned into high density.

Elaine Brittain, 6216 46th St. NE, addressed Council. She pointed out that 46th is very narrow and she asked if the intent is to widen that. She said a lot of people are concerned they will be losing 20' on each side when they widen the road and that's part of their front yards.

City Administrator Zabell explained in the Sundown Addition, the property owners are welcome to improve through an LID, for example. He added that when the developments go in they will have to pay any frontage improvements.

Ms. Brittain expressed concern about increased traffic while being developed into a subdivision and she noted a lot of her neighbors have their homes very close to the road. She asked about maintenance of the road right of way.

City Administrator Zabell assured her that the City would maintain the right of way.

Robert Dimateo, 6128 46th St. NE, spoke in regard to the Poortinga Annexation stating this is the entrance way to Sunnyside. He said a year ago there was a comparison between City and County taxes and he is estimating his taxes will go up about 20% by being a resident of Marysville. He asked what he will get for that additional 20%. Regarding road improvement, he noted a good piece will become a golf course but 200 acres will be built on and he asked if the City has plans for road improvements, school improvements, police to deal with the influx of people and increases associated with the growth.

He was asked what he was basing his 20% figure on and he explained that at present he does not pay the additional utility tax that Marysville charges and he estimates it comes to a figure equal to 20% more than he is now paying in taxes as a county resident.

City Administrator Zabell stated the mil rate is .56 per \$1000 more on City property tax currently.

Mayor Weiser explained that fluctuates and sometimes the City is actually lower than the county, but yes, the City does have a 5% tax on utilities.

Mr. Dimateo said be that as it may, what advantage does he stand to gain by becoming a resident of Marysville?

Councilmember Baxter stated for one thing, he would get road maintenance; the county seems to quit any maintenance once they get wind of a possible annexation, he said and Marysville tries to pick up the loose ends once an area gets annexed in.

Mayor Weiser asked if Mr. Dimateo has sewer and Mr. Dimateo said no, he is not hooked up to it but it is available. Mr. Dimateo added he thinks the road improvements will happen anyway, once the area is developed. He asked about proposed police protection and asked if the police are merely going to come out 5 minutes faster so he can report something stolen from the night before. He asked about a fire station, a new school, a police station possibly being built in that vicinity to protect the newer developments of the immediate area.

Councilmember Pedersen stated there are some preliminary plans for putting a fire station in that part of town; a 5 minute faster response may be very important to an older person but the main thing, she said, is that you can be a City Councilmember.

Mr. Dimateo said he did not have that in mind.

Councilmember Leighan pointed out that as a non-resident Mr. Dimateo probably uses City parks and Councilmember Pedersen pointed out that he also uses City streets and the City library.

Mr. Dimateo said he already pays for the streets, he pays through the Sno-Isle Regional Library for the library, he's already paying for the parks and he said he wasn't too anxious to become a City Councilmember.

Councilmember Herman stated Mr. Dimateo raises some legitimate issues regarding annexation and currently, yes the difference is higher on the City side but he pointed out that if Mr. Dimateo were on City water and sewer, he would see a major difference in that he would only pay half of what a County resident pays for City water and sewer. Regarding the roads, parks and schools, Councilmember Herman said he thinks the City needs to look at area-wide mitigation/improvement and that will require cooperation from the county. He concluded that he wants to see the traffic issues addressed before he makes a decision on this annexation.

Councilmember Baxter commended Mr. Dimateo for asking the questions and for standing his ground.

Mr. Dimateo stated he has no ill will to the Poortingas and feel they should get the best they can.

David Blodgett, 4502 62nd NE, spoke with regard to the "lower" annexation and said he has a couple concerns: He said as far as he knows, drainage is not a problem for Mr. Poortinga, that goes into the flat off the hill, the whole thing seems to be submitted by the recreational company and the only think he said he can see is some high density residences comign in. He said he doesn't know why this portion is even included in the annexation and his concern is that the desire is to do further subdivision and if that happens the whole area is going to change. He said he is in the newest section there, they have a nice view and if the whole area is developed that would be a travesty. He clarified he is a block due west of Sunnyside and noted the County has come in and repaired the roads, no problem. But he was not given the opportunity to refuse to sign the petition and he is very concerned this portion is included in the petition/annexation and there is no drainage problem where he lives, he said. He noted the drainage is very poor on the other side of Sunnyside; he stated he is a retired highway engineer and so quite knowledgable about these things. He said he is not sure how they have allowed this to happen over the years; he said he has no problem with the annexation, he just questions why his area is included in the annexation, there is no benefit to them, there will be no more improvement on the streets.

City Planner Hirashima explained the City received the petition signed by people to the north and south of the Blodgett residence and so that was why he was included. Also, one of the criteria of the Boundary Review Board is that it be a solid continuous boundary, going around some of the propertyowners can create a very irregular boundary, she explained.

Councilmember Pedersen asked if Mr. Blodgett is on City sewer and water and Mr. Blodgett said yes, that was there when he moved there a number of years ago.

Councilmember Pedersen explained the developer of his property probably signed a no-protest covenant.

City Administrator Zabell clarified that Mr. Blodgett is on PUD water and not City water.

Ron Terry, 5628 60th Dr. NE, addressed Council, noting he has terrible drainage problems as do his neighbors. He noted a lot of houses in his neighborhood are actually sinking and if they develop across Sunnyside, they are really going to start having problems. He said he called the County about these problems and they referred him to the City; the back of his house faces on Sunnyside and the drainage ditches just don't work. He said he understands everything was done to code but he also understands there are underwater springs and he is concerned that if they start messing with the flats it's really going to make the problem a lot worse, he said.

Councilmember Pedersen asked about policy here and City Administrator Zabell said it sounds like underwater migration problems.

Mr. Terry said since his residence is in the City, the county referred him to the City to solve the problem.

City Administrator Zabell suggested he talk with Public Works Director Winckler.

Mr. Terry asked about development impacts and City Planner Hirashima explained the City has not actually received a golf course proposal but they are aware they will be required to address environmental and flooding issues, hydrology, wetland, wildlife, geology concerns.

Mr. Terry asked about further up the hill.

City Planner Hirashima said they would be required to address that issue also. There is a study group that is concentrating on the overall drainage issues in that area, she said.

Councilmember Baxter noted there was a worse problem when the houses were first built.

Cecil Rose, 5626 61st St. NE, addressed Council. He stated he is not opposed but he understood the small farm ordinance was to be in place first, prior to these annexation hearings.

City Planner Hirashima stated the small farm ordinance has been drafted but because the Planning Commission is also reviewing the animal code, they wanted them all to come to Council together. She explained that right now a small farm is considered a minimum of 5 acres and can be used for agriculture, animal husbandry and related uses and they would grandfather in smaller lots, including those of half an acre or more, Christmas tree farms, non-conforming uses, permitting outright 5 acres or more.

Merle Bunn, 6226 46th St. NE, addressed Council again. He said he feels like he has learned everything about these annexations after the fact, for example, in the Herald. He said he did get some information on this from the City, some from the Globe, postings on the property, however this is better than the hearing situation in the county.

There being no one further who wished to testify at this time, Mayor Weiser closed this portion of the public hearing at 8:47 p.m.

City Attorney Weed advised this would require two separate motions because of there being two separate petitions, but they can be discussed at the same time.

Councilmember Pedersen asked about timing and City Planner Hirashima explained once the resolution is passed to send the issue to the Boundary Review Board, they have 120 days to act. In the meantime, it is necessary to draw up an interlocal agreement between the City and County and pass the resolution for a rural conservation zone.

Mayor Weiser pointed out that the Memorandum of Understanding, which has already been signed, would be the basis for the interlocal agreement between the City and County.

City Planner Hirashima added that the Planning Dept. and Planning Commission are currently reviewing the transportation model and one of the proposed projects is improvement of Sunnyside Blvd.

Councilmember Herman asked about the overlapping 75 acres and City Planner Hirashima stated it was included in both the annexations but without it, it would mean the Sunnyside South Annexation would be reduced by 1.3% of the total value because the 75 acres assessed valuation was only \$32,000.

Councilmember Pedersen left Council Chambers at 8:50 p.m.

There was discussion about .75% being added at the 60% level and whether that was appropriate.

Councilmember Pedersen returned to Council Chambers at 8:53 p.m.

Councilmember McGee moved to approve the Poortinga Annexation, subject to the City's bonded indebtedness, comprehensive plan designations and conformance with the memorandum of understanding, including the overlap area. Councilmember Baxter seconded the motion.

Councilmember Herman asked when the small farms ordinance is coming to Council and City Planner Hirashima said she guesses in a couple weeks. The motion passed 6-1 with Councilmember Herman opposed.

Councilmember Baxter moved to approve the Sunnyside South Annexation subject to the City's bonded indebtedness, comprehensive plan designation, memorandum of understanding and excluding the overlap area. Councilmember Wright seconded and the motion passed 6-1 with Councilmember Herman opposed.

Councilmember Herman stated he would like City Council to address annexation issues, the small farm ordinance and ag issues as soon as possible.

2. Conditional Use Permit; Asbury Place/Graham; PA 9401001.

City Planner Hirashima reviewed the agenda bill, noting the current Comp Plan designation is low density multiple residential, with office buildings allowed. She noted the hearing examiner recommended approval however Council called for a public hearing to address alley access. She said Planning staff does support the parking revision with a 16' wide driveway which would mean removal of 2 parking spaces. She added this would meet City code however the applicant had a concern about it not meeting future needs and so if these 2 spaces are retained, it would probably mean taking out the landscaping area. With regard to the sign, it was felt it was acceptable and the hearing examiner recommends a maximum of 3' high plantings and the City Engineer also recommends 30' as the desirable restriction for "no parking" along the site frontage, she said. She concluded that staff recommends approval of the hearing examiner's recommendations; consideration could be given to relocate the alley access but that looks like it might not be feasible, she said.

Tom Graham, the applicant, was sworn in.

Mayor Weiser asked about the 30' relocation and Mr. Graham stated there is a rental adjacent to his property and these people appear to park behind but he said he is not sure if he should contact the owner about Graham's building parking in front of the rental.

Mayor Weiser asked about flip-flopping the site plan with egress being a right turn only.

Mr. Graham explained they did change the other building but they would prefer for aesthetic reasons and the way the traffic flows, and in consideration of the Zimmermans (43 years there), they would want this proposed building to remain the way it has been proposed by the architect. He added he understands there was to be no access into the alley, he doesn't think it would be safe, he is concerned about traffic on 4th but he doesn't think putting in an alley access is going to help because alleys aren't designed for traffic, he said. He noted there is a high fence on Alder that you have to be careful of when exiting the alley and he said he would rather have the good visibility on 4th. Public access is also a problem from the alley, he said and on the other building he didn't realize they could have alley access but on this one, he doesn't want alley access. He noted they have set the building back 5' here and with alley access they are going to lose more parking.

Councilmember Baxter asked what is going to happen with a higher speed limit on 4th and Mr. Graham said he sees 4th going to 5 lanes there, at least 4 and that would help with the visibility and ease of merging out from his parking lot. Possibly a right turn only would be allowed but he said he doesn't see egress onto 4th a problem; it's better than the situation he had on State and he just doesn't think the alley is made for a lot of traffic, he said.

Councilmember Baxter noted that people wanting to get out onto 4th are going to be at the intersections not in the middle of the block.

Mr. Graham argued that he sees it as better sight distance, however.

Councilmember Herman said he thinks having the alley access might serve Mr. Graham well in years to come.

Mr. Graham stated his felling is they can put in the alley access at a later time and he really feels it will be easier to get out onto 4th (right turn) with 4 lanes. He said he would go with an alley access if the building wasn't placed so far back on the property but he has to take that into consideration. He noted he did business on State for 13 years and it's possible to make turns on and off a fast street.

Roy Raughtebaugh of Lynnwood, addressed Council, stating he owns property at Quinn and 4th and with regard to the 30' no parking zone, he gave as an example what happens if the rental wants to have company and they want to park out front. He stated he is not against an office building but his concern is no parking allowed out front--that's for his renter, he pointed out. He said there is a driveway and some improvements on Quinn and he said he agrees an alley should not be for public access/commercial use.

Councilmember Baxter pointed out that City alleys are 20' wide, there is no parking allowed and Seattle uses them all the time for deliveries, etc., not fast traffic, but in Marysville they are also used for the garbage trucks, etc.

Mrs. Raughtebaugh addressed Council and asked for clarification of the zoning.

City Planner Hirashima explained it is residential and the applicant is asking for a conditional use permit for an office building.

Mrs. Raughtebaugh asked about the 30' and City Planner Hirashima said it would be at either side of the driveway and in front of the office building.

Mrs. Raughtebaugh pointed out that 4th is a very busy street and she has a real concern about that. She said they come to Marysville to check on their renters occasionally and really do have a concern about how busy 4th is and just wants that taken into consideration.

There being no one further wishing to testify in this matter, Mayor Weiser closed this portion of the public hearing at 9:30 p.m.

Councilmember Herman asked about setback requirements and City Planner Hirashima stated they need to meet residential setback requirements: 20' front and rear and 5' on the sides. The building was originally proposed to be on the property line, she noted. The other building is in a commercial zone, this building is in a residential zone, she pointed out.

Councilmember Herman asked about a variance and on the setback requirements and City Planner Hirashima said they would have to prove they can meet setback requirements or they could rezone; the new Comp Plan is proposing a mixed zone in this area, she said.

Councilmember Herman asked what the setback requirement would be for mixed use and City Planner Hirashima stated that's not been developed yet but commercial is zero setback as long as they don't have sight distance problems.

Councilmember Herman said he would have an easier time with this if it were a rezone vs. a conditional use permit.

City Planner Hirashima pointed out it's the same square footage as the other building Graham and Carlson built.

Councilmember Baxter pointed out Mr. Graham is not asking for a rezone and he then moved to approve the conditional use permit with recommendations, alley access, recommended action of the City engineer regarding parking restriction on 4th (30') and deleting the requirement that the applicant provide a Stortz adapter for the nearest fire hydrant. Councilmember Pedersen seconded the motion.

Public Works Director Winckler pointed out that with alley access, the applicant would need to be responsible for needed alley improvements.

Councilmember Baxter asked when the City does their share of alley improvements and Councilmember Herman noted that he thought perhaps patching might be beyond the applicant's responsibility.

Public Works Director Winckler said he is talking about the alley beyond the applicant as well as some patching between Alder & Quinn.

Councilmember Baxter made it clear he did not wish to include the alley improvements in his motion.

A roll call vote revealed Councilors McGee, Myers, Leighan and Herman against and so the motion failed 4-3.

Councilmember Herman moved to approve the conditional use permit including the Stortz adapter requirement removal, including alley access, including the 30' parking restriction and including whole alley improvements on the rear adjacent to the property line. Councilmember Leighan seconded and discussion following about parking for the neighbors along 4th, future need for parking on 4th, 4th being a state road, alley access being a valuable asset with increased traffic on 4th, alley improvements.

A roll call vote revealed Councilmembers Baxter, Myers and McGee against and so the motion passed 4-3.

REVIEW BIDS:

1. Cement Concrete Curb, Gutter & Sidewalks Construction Contract 94-01.

Public Works Director Winckler reported the City reviewed one bid submitted by LeDuc's in the amount of \$27,278.00. He noted different criteria were developed but LeDuc has received the bid for the past 6 or 7 years and they have been a favorable contractor for the City. He noted some of the work they have recently done includes wheelchair ramps on State, the improvement around the Public Works office area and they do a very professional job; it is staff's recommendation to go with LeDuc's Concrete, he said.

Mayor Weiser asked about the City's estimate in comparison with LeDuc's bid and Public Works Director Winckler said it was very close.

Councilmember Baxter moved and Councilmember Myers seconded to award the 1994 concrete curb, gutter and sidewalk construction contract to LeDuc's Concrete in the amount of \$27,278.00, as recommended by City staff. Passed unanimously.

NEW BUSINESS:

1. Strawberry Festival Proposal.

Tom Grady, President of Maryfest, addressed Council. He reviewed some of the changes this year and said they were going to name the "Cruise In" event in memory of Tom Hoistad. He reviewed the events: Bed races, remote controlled drag cars, Sunday to be "family day." He noted they have more sponsors than ever before, they will have bleachers on 5th & 6th for spectators and the Parade Grand Marshal will be the Commander of the Everett Navy Base. They will be having basketball on 7th with pop-a-shot machines, the Berry Run had to be called off because there was no one this year to take care of it.

City Administrator Zabell reminded Mr. Grady that because the fire department is no longer part of the City Maryfest will have to contact them direct for assistance this year.

Mr. Grady said he would talk with Chief Corn. He explained their object is to have a safer and more family oriented festival; they want people to wish they lived in Marysville!

Councilmember McGee moved and Councilmember Pedersen seconded to approve the Strawberry Festival Proposal as submitted, with changes as outlined by Mr. Grady. The motion passed. (Councilmember Leighan didn't vote as he is on the Maryfest Board.)

2. Authorization to add 200 hours to JAK Engineering Contract.

Public Works Director Winckler reviewed the agenda bill, noting this is for an extension of another 200 hours for continuation of projects. He briefly outlined several projects Mr. Kresge recently successfully completed:

- block grant for Beach
- Public Works trust fund for the same project
- just submitted a hazard elimination grant for the signal at 100th & Shoultes where there have been 50 accidents since the construction of Fred Meyers
- was successful in getting funds for the 136th St. signal
- is now looking for some ecology money for reservoirs
- trying to get some money from the county and Navy for the signal at 136th
- interlocal agreement for 88th St. interchange
- 528 & 67th signal

Public Works Director Winckler explained there is typically a very short window for applying for these grants and it's very difficult for staff to juggle their workload to accommodate. Mr. Kresge has a lot of contacts and experience and he said staff's recommendation is to extend the contract 200 hours at \$30 per hour (same rate as before).

Councilmember Leighan noted it's only been 2 months since the last 200 hour extension and Public Works Director Winckler stated from January to June is the busiest time and it's really important that there be follow through, possibly on a year round basis. He noted that so far, Mr. Kresge has brought in about \$2.1 million.

Councilmember Pedersen asked if he only writes grants for Public Works; she asked about using him in other departments.

City Administrator Zabell said a good area would be for IAC grants for the Parks Dept. but Jim Ballew basically writes his own grants.

Councilmember Pedersen noted there was at one time discussion about a part time grant writer and possible the City could use Mr. Kresge's services in other areas, she pointed out.

Councilmember Herman said he thinks that is something the City should explore and he noted there is a full time grant writer at CT who has been outstanding. Mr. Kresge is well known and respected in the grant writing area in conjunction with his engineering expertise but he said he also has a concern about the regular 200 hour extensions. He said he would like to see this revisited.

Councilor Herman moved to extend the contract 200 hours as per staff recommendation at this time. Councilmember Myers seconded. Passed unanimously.

CONSENT AGENDA:

1. 5/9/94 Claims in the amount of \$694,620.32.
2. Approval of Professional Services Contract for 1994 Water System Improvements; Extension of Everett/Marysville Pipeline from 83rd & 64th St. to 83rd & 84th St. via the Olympic Pipeline ROW.

Councilmember Wright moved to approve Consent Agenda Items 1 & 2. Councilmember Baxter seconded and the motion passed unanimously.

(Councilmember Baxter abstained from voting on Vouchers 19644 and 19701. Councilmember Leighan abstained from voting on voucher 19743.)

ORDINANCES & RESOLUTIONS:

1. Resolution of Intent to Issue Bonds.

Finance Director Wilson explained this designates officials who make a declaration of intent to issue a bond, for example, with the garbage truck, the intent through the budget is to bond the purchase of \$150,000. He said the Treasury Dept. requires that the City make a declaration of intent.

City Attorney Weed noted the Bond Counsel wrote the resolution and he has reviewed it.

Councilmember McGee moved and Councilmember Myers seconded to adopt/approve Resolution 1683. Passed unanimously.

LEGAL MATTERS:

1. Professional Services Agreement; 1994 Water System Improvements; Hammond, Collier, Wade-Livingstone Assoc.

Public Works Director Winckler stated interviews were conducted with a number of City staff present and the candidate was recommended who it was felt would provide the best services for the City.

Councilmember Baxter moved and Councilmember Herman seconded to authorize the Mayor to sign the Professional Services Contract with Hammond, Collier, Wade-Livingstone Assoc. as recommended by staff. The motion passed unanimously.

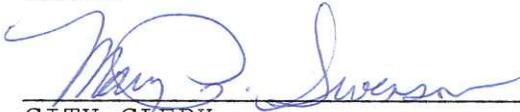
ADJOURNMENT INTO EXECUTIVE SESSION: 10:22 p.m.

- |                  |            |
|------------------|------------|
| 1. Real Estate   | No Action. |
| 2. Legal Matters | No Action. |

RECONVENED & ADJOURNED: Approx. 11:25 p.m.

Accepted this 23rd day of May, 1994.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK

  
\_\_\_\_\_  
RECORDING SECRETARY