

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MAY 22, 1995

CALL TO ORDER: 7:00 p.m. 00107

MINUTES OF PREVIOUS MEETINGS: 5/8/95 Council Minutes
Approved

AUDIENCE PARTICIPATION: Homegrown Festival '95/
Gina Thomas

CONSENT AGENDA: Approved:

1. Approval of 5/22/95 Claims in the amount of \$586,882.16.
2. Authorize Mayor to Sign the Final Plat Mylar Subject to Post Recording Contingency for Bayview Summit; PA 8904020.
3. Approval of Liquor License Renewals for AM/PM Mini Mart #5566, Don's Restaurant, Friendly Tavern, Kuhnle's Tavern and Maxi's Restaurant.
4. Supermarket Development Corp. Rezone; PA 9409033.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS: None

PRESENTATIONS: None

PUBLIC HEARINGS: None

1. Boulton Annexation; PA 9503019 Approved

REVIEW BIDS: None

CURRENT BUSINESS:

1. Wheeling Agreement between City & Tulalip Tribes - Continued

NEW BUSINESS:

1. Van Assche Annexation 10% Petition Continued to 6/6/95
2. Marys-port Annexation 10% Petition Approved
3. North Msvl. Subarea Plan - Prof. Approved
Services Contract

ORDINANCES & RESOLUTIONS:

1. Ord. Annexing Ross/Hill Annexation Ordinance 2026 Approved
Area into City
2. Ord. affirming hearing examiner's Ordinance 2027 Approved
recommendation re Louis Griffore
Addition Property Binding Site Plan
Revision
3. Ord. affirming hearing examiner's Ordinance 2028 Approved
recommendation re Forest Park
Realty Property Rezone

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 9:18 p.m.

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

RECONVENED & ADJOURNED: 10:35 p.m.

MARYSVILLE CITY COUNCIL MINUTES

00108

MAY 22, 1995

7:00 p.m.

Council Chambers

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

CORRECTED: SEE 6/6/95
MINUTES

CALL TO ORDER:

Mayor Weiser called the Council meeting to order at 7:00 p.m. and led us in 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 Wright noted in the minutes of Council from 5/8/95, in the 4th paragraph on page 2, that Jeff Kempf should be Jeff Kemp and that in the 5th paragraph of page 2 it should be Congressman Metcalf not Senator Metcalf.

Councilmember Herman noted under Review Bids, "Novelle" should be "Novell" times three.

Councilmember Bartholomew then moved and Councilmember Wright seconded to approve the Council Minutes of May 8, 1995 as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Gina Thomas, 4525 131st Pl. NE, Marysville, Chairman for this year's Homegrown Arts & Crafts Street Fair, addressed Council. She asked for the usual 3rd St. closure from 6 p.m. Aug. 3 through 6 p.m. Aug. 5, 1995 from Alder to State as well as permission to hang their banner on 4th St. this year instead of at 3rd & State, for higher visibility.

Councilmember Baxter moved and Councilmember Herman seconded to approve their requests. Passed unanimously.

CONSENT AGENDA:

1. Approval of 5/22/95 Claims in the amount of \$586,882.16.
2. Authorize Mayor to Sign the Final Plat Mylar Subject to Post Recording Contingency for Bayview Summit; PA 8904020.
3. Approval of Liquor License Renewals for AM/PM Mini Mart #5566, Don's Restaurant, Friendly Tavern, Kuhnle's Tavern and Maxi's Restaurant.
4. Supermarket Development Corp. Rezone; PA 9409033.

After a few brief questions were answered regarding #2 & #4, Councilmember Bartholomew moved and Councilmember Herman seconded to approve Consent Agenda Items 1 through 4. Passed with Councilmember Baxter voting against #4 and abstaining on Voucher #24387 & 24453 under Item #1. Councilmember Leighan also abstained from voting on Voucher #24511 under Item #1.

STAFF BUSINESS:

Finance Director Wilson announced that there will be a staff training session on the purchasing manual Wed. at 1 p.m. with the manual being finalized over the summer.

City Administrator Zabell reported the study regarding the old library building is complete and will be presented to Council at the 6/6/95 Workshop. He stated he can arrange for tours if Council wishes. Also, 6/5 is the next Council meeting however it is also the night Arlington has scheduled for the public hearing on the North Marysville Annexation. He said he would like to see some Marysville representation at the Arlington public hearing and suggested possibly changing the 6/5 Council meeting to 6/6 and combining it with the workshop already scheduled for 6/6/95.

After brief discussion, Councilmember Bartholomew moved and Councilmember Myers seconded to postpone the 6/5/95 meeting to 6/6/95, declaring it a Council "Special Meeting", to be held at 7 p.m. Passed unanimously.

City Administrator Zabell also reported he is having a difficult time obtaining a speaker for the workshop on initiatives and referendums as there is no other city in Snohomish County that has experience with this. He said he will start looking in King Co.

City Attorney Weed reported the Supreme Court has made a decision regarding Edmonds group home facilities but he has not had a chance to review it as yet.

Councilmember Bartholomew noted the Supreme Court has also made a decision with regard to wording on political pamphlets and with the September absentee ballots coming up, she suggested the opinion should be reviewed. City Attorney Weed said he would follow up on this also.

City Planner Hirashima stated the Planning Commission will be completing the Economic Development element of the Comp Plan tomorrow night. Also, the UGA is being discussed further at the county level tomorrow evening. She noted there is a specific area north of 152nd that's going to be reviewed by the county.

Public Works Director Winckler reported there will be a RUSA meeting Thu. the 25th at 7 a.m. and a WSDOT audit of the 528 & 67th intersection on Wed. the 24th. Also, there will be a Snohomish County Coordinating Meeting Thu. the 25th from 9 to Noon in the 2nd Floor conference room. He reported receiving a letter from Jack Billsborough, County Engineer, regarding Sam Deyoung's property/road; the county has worked with the City and the City now has the green light to continue as planned, he reported.

Public Works Director Winckler reported that fueling was looked into with regard to following up on our earthquake preparedness as there was a concern about how vehicles could be fueled in the event of a power outage. He reported having asked for bids to come in with regard to electrical in the event of an emergency and also has received an offer of a used 15 KW generator--a \$20,000 generator for \$7,000--it's diesel, trailer mount and has 300 hrs. on it. He said this would be an excellent opportunity for the City to purchase this and there is money budgeted for generators.

Councilmember Baxter suggested working through DNR/MFD because they have brand new generators for free but you have to get on a waiting list.

There was discussion about fuel access in the event of an emergency, about new service station standards, \$2299 being the low bid for wiring in the event of a power outage.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve purchase of the \$7,000 generator as per staff's recommendation. Passed with Councilmember Baxter against.

There was discussion about drawing up an agreement with Pacific Pride making sure the City would be the only customer using their fuel pumps during a power outage.

MAYOR'S BUSINESS:

Mayor Weiser commented on the Kids' Fishing Derby held last Sat.

CALL ON COUNCILMEMBERS:

Councilmember Baxter reported that there was a Washington Utilities Commission Meeting last Thu. but he didn't get the meeting notice until Friday. City Administrator Zabell reported he got his notice after the meeting on Thursday but Public Works Director Winckler stated he believed Gary Olsen was able to attend the meeting on behalf of the City.

Councilmember Bartholomew reported Dave Lewis called her regarding the traffic at and around 67th & Grove and said she would like someone to contact him. She referred to the insurance carrier publication and asked about the City, its officers and employees being covered under certificates of insurance.

Public Works Director Winckler stated regarding the project on Grove St. the City has now obtained right of way and funding and the design is about 90% complete. He said he would contact Dave Lewis.

Councilmember Herman stated there has been an extension of the appeal deadline regarding train speeds and he referred to a letter in his packet. He also noted there is an RTA public hearing June 1st from 5:30 to 7:30 in the PUD hearing room.

Councilmember Leighan asked about maintenance and possibly planting wildflowers around detention ponds. Also he noted the Homegrown banner needs a cable along the bottom to stabilize it. He asked about the economic development element coming before Council and about Visitor Information Center accountability for the funds granted by Council at the last meeting.

City Attorney Weed explained the public record would serve as accountability and City Administrator Zabell suggested drawing up criteria for Hotel/Motel tax funds just as we have in place for Human Resource Grant money.

Councilmember Wright asked about the street lights in Parkside Manor and Public Works Director Winckler stated PUD has to come up and restake for the poles.

PUBLIC HEARING:

1. Boulton Annexation; PA 9503019.

City Planner Hirashima reviewed the agenda bill.

No one from the audience wished to address Council and so the Mayor closed the public testimony portion of the public hearing at 7:52 p.m.

Councilmember Myers then moved and Councilmember Bartholomew seconded to approve the annexation as per planning staff recommendation, subject to the City's bonded indebtedness and to authorize the City Attorney to prepare a resolution transmitting the matter to the Snohomish County Boundary Review Board for approval. Passed with Councilmember Herman against.

CURRENT BUSINESS:

1. Wheeling Agreement between City of Marysville and Tulalip Tribes.

Public Works Director Winckler reviewed the agenda bill, alternatives, etc.

There was discussion about previous agreements with the Tulalip Tribes, the Tribe's position with regard to utilities on the reservation, ongoing efforts to have an agreement that the Tribes will go along with, Tulalips wanting to maintain control of tribal lands including utilities on tribal lands and ~~Tulalips wanting to actually get rid of this wheeling agreement.~~

CORRECTED: SEE 6/6/95
MINUTES Delete

City Attorney Weed explained the negotiation process, history, CWSP boundary, 1982 wheeling agreement.

Councilmember Bartholomew noted the hotel and casino are the only property covered under this agreement and there was discussion about the legal description which actually only covers 35 acres. *There was also* limited uses, purveyors of water in the future, allotted land over which Tulalips don't have total control.

discussion about

CORRECTED: SEE 6/6/95
MINUTES Add

There was more discussion about Marysville's right to serve, each applicant being considered on a case by case basis when variances were applied for from the west side, non-competitive agreement, non-practicality of Tulalips purchasing present infrastructure on Tulalip lands, allotted lands vs trust lands, no-protest agreements being signed on the west side, RUSA variances, settlement agreement, Sec. III/page 4 to be deleted regarding overlapping CWSP boundaries, amendment to the RUSA boundary to include some of the west side property, sending this back to the RUSA Committee, what would happen if the Tulalips were to acquire the infrastructure.

Councilmember Bartholomew moved to send this back to the RUSA Committee for the area to be clarified, discuss including a reciprocal agreement regarding infrastructure acquisition, Sec. III and paragraph 4 on page 16 to be reviewed/possibly changed. Councilmember Herman seconded and the motion passed unanimously.

NEW BUSINESS:

1. Van Assche Annexation; 10% Petition; PA 9505029.

City Planner Hirashima reviewed the agenda bill and there was discussion about non-protest agreements.

No one wished to speak from the audience.

After further discussion about including Strawberry Vista in the annexation boundaries, checking into status of Marshall Elementary School and investigation of the non-protest agreement status, Councilmember Bartholomew moved and Councilmember Leighan seconded to continue this matter to 6/6/95 so these items can be checked into further. Passed unanimously.

2. Marys-port Annexation; PA 9505030.

City Planner Hirashima reviewed the agenda bill and noted there is a 56% sufficiency of petition, when only 10% is needed at this time. She explained about the county council reviewing the UGB and making a final determination very soon. She stated the county will be making their final recommendation within the next two weeks with regard to including this area in the UGB, it's within the expanded UGA for Marysville as previously adopted by City Council. She added that none of the proposal overlaps the annexation proposed to be heard by Arlington 6/5/95.

Norm Penney, 16329 51st Av. NE, addressed Council. He stated they have been in the Marysville Comp Plan and study area, had Marysville water since 1964 and sewer since 1968 and would like to be part of Marysville and enjoy the lower in-the-City rates. He pointed out that they are no strangers to Marysville's planning process; he and several neighbors spearheaded the proposal to have their area excluded as ag from the county. He added their property is not contiguous to Marysville until the City adopts the annexation between 136th & 164th and they would appreciate the

City's support tomorrow at the hearing. He said there are sections that are not planned for growth, there are about 3 properties that are not part of the UGB and so they would like the City's help filling that in. The hearing is at 1:30 p.m. Tue. in the Henry Jackson Room.

Councilmember Wright asked a question clarifying boundaries.

Mr. Penney stated the Boundary Review Board likes to stick to natural boundaries; the railroad is on the east and on the north it jogs around abrogation rights.

Councilmember Herman asked about concerns about the pending annexation and Boundary Review Board decisions.

City Attorney Weed explained there would be no problem with approving a 10% petition for boundaries but there would have to be a successful completion of the North Marysville Annexation before going forth with this one at the 60% stage because of the contiguous requirement; he noted the petition signatures can't be older than 180 days.

City Planner Hirashima stated she is planning on going to the county council hearing tomorrow with information about what has transpired tonight. She added that parcel 1-003 on the map needs to be included in the proposed annexation.

Councilmember Baxter moved and Councilmember Myers seconded to approve the 10% petition for the Marys-port Annexation as per planning staff recommended action, subject to the City's bonded indebtedness and concurrent adoption of the City Comprehensive plan designations for the subject area and City zoning. Passed with Councilmember Herman abstaining. (It was explained that an abstention is actually a "yes" vote.)

3. North Marysville Subarea Plan Professional Services Contract.

City Planner Hirashima reviewed the agenda bill, noting the Marysville City Council recommended that the final comprehensive plan address and further study the land uses proposed for the planning area. She stated the \$42,000 estimate doesn't include a transportation consultant which will be required because the Transpo study only went to 152nd and there needs to be further transportation analysis, which will probably run in the range of \$10,000 to \$15,000.

Finance Director Wilson explained funding would come from the General Fund; Growth Management Funds could not be used.

Councilmember asked about using McConnell-Burke but City Planner Hirashima explained they are still working on the Comp Plan and the planning staff wanted to get this completed separately and concurrently with completion of the Comp Plan; the Growth Management Act will not allow amendments more than once a year.

There was no public comment.

Councilmember Bartholomew moved to approve completion of negotiations on the scope of work with Shockey-Brent, Councilmember Baxter seconded and the motion passed unanimously.

There was discussion about public meetings to be held on a regular basis.

ORDINANCES & RESOLUTIONS:

1. Ordinance Annexing Ross/Hill Annexation Area into City of Marysville.

Councilmember Wright moved and Councilmember Herman seconded to adopt Ordinance 2026. Passed unanimously.

2. Ordinance affirming hearing examiner's recommendation for approval; Louis Griffore Addition Property Binding Site Plan Revision.

Councilmember Leighan moved and Councilmember Myers seconded to adopt Ordinance 2027. Passed unanimously. (It was noted the Resolution number should be 1996 in the wording of the ordinance.)

3. Ordinance affirming hearing examiner's recommendation for approval; Forest Park Realty Property Rezone.

Councilmember Myers moved and Councilmember Bartholomew seconded to adopt Ordinance 2028. Passed unanimously. (It was noted the word should be "west" not "wet" in the legal description in the ordinance wording.)

ADJOURNMENT INTO EXECUTIVE SESSION: 9:18 p.m.

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

RECONVENED & ADJOURNED: 10:35 p.m.

Accepted this 6th day of June, 1995.

Donna M. Pedersen
MAYOR

Mary Jensen
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY