



**MARYSVILLE CITY COUNCIL MINUTES**

OCTOBER 2, 1995

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
Donna Pedersen, Mayor Pro Tem  
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

EXECUTIVE SESSION: 6:30 to 7:20 p.m.

**1. Potential Litigation.** (No Action)

RECONVENE & CALL TO ORDER: 7:23 p.m.

Mayor Weiser called the meeting to order at 7:23 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 PREVIOUS MEETING:

Councilmember Bartholomew noted in the 9/25/95 Council minutes on page 5 in a couple places, Mr. Klacell's name should be spelled "Klaisel." Also at the top of page 6 under the HUD Housing item, her comment was that she was offended by the letter stating Marysville has an unsavory housing element.

Councilmember Pedersen noted on page 2, the YMCA Executive Director's name should be spelled "Vangen" not "Van Engen."

There being no further corrections, Councilmember Leighan moved and Councilmember Myers seconded to approve the 9/25/95 Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Authorize Mayor to Sign the Interlocal Agreement with Snohomish County Regional Narcotics Task Force.**
2. **Affirm the Hearing Examiner's Recommendation to Approve the Conditional Use Permit, Subject to Conditions for Borseth Construction; PA 9506035.**
3. **Affirm the Hearing Examiner's Recommendation to Approve the Request for Rezone and Binding Site Plan; Subject to Conditions for Albertsons, Inc; PA 9505028.**

Councilmember Herman moved and Councilmember Pedersen seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously.

STAFF'S BUSINESS:

City Administrator Zabell reported he attended an Employee Benefits Advisory Committee meeting and there are going to be rate increases coming up but the rates will still be less for City employees through the present plan vs private insurance.

City Planner Hirashima reported the Planning Commission had its first hearing on the Comp Plan last Tuesday and it's been continued to October 10.

Public Works Director Winckler reported there will be a special RUSA meeting 10/5/95 at 7:30 a.m. in the Public Works Conference Room.

Public Works Director Winckler reported on Change Order #3 for the Water Improvement Project, noting this is to install water and power, make a gas line adjustment and do field adjustment and relocation of a 1" line. The cost of this change order comes to \$43,930, representing only .035% of the total project cost and so staff is authorized to go ahead with this and simply notify Council of the action.

MAYOR'S BUSINESS:

Mayor Weiser reported and Chief Dyer were invited to meet with the Tulalip Tribes, probably in a couple weeks, when the Tribes will be turning gaming tax revenues over to the City.

CALL ON COUNCILMEMBERS:

Councilmember Myers asked about public input at the Adult Entertainment Review Committee hearings and Mayor Weiser stated tomorrow night is the last of 3 public hearings and he explained participation and that letters have been sent out to interested parties.

Councilmember Bartholomew asked about Burlington Northern's progress on the railroad arms and Mayor Weiser said he would follow up again on this.

Councilmembers Herman, Leighan and Wright expressed appreciation for the tour of the reservoir given by the Public Works Director.

Councilmember Wright reported on the recent North Snohomish County Regional Services meeting she attended, noting the next meeting is Oct. 24 and that County Councilmember John Garner appointed Councilmember Wright to serve on the County Task Force for North Snohomish County Regional Services.

Public Works Director Winckler noted Burlington Northern is planning on putting up a temporary gate at the 88th St. railroad crossing.

NEW BUSINESS:

**1. Barr Annexation - 10% Petition.**

City Planner Hirashima reviewed the agenda bill, noting originally there was only one property owner who wanted to annex however, it would not have been contiguous so now some surveying has been done and it's felt they will be able to get 60% of the property owners interested in signing a petition. She said regarding the interlocal agreement for the 88th St. interchange recovery/payback Snohomish County says there would be no payback if annexed as the money has already been contributed.

There was discussion about the Quil Lane Open Tract.

Councilmember Myers moved and Councilmember Bartholomew seconded to accept the 10% petition, establishment of an annexation area for circulation of the 60% petition and assumption of the City's bonded indebtedness and adoption of the City's Comprehensive Plan for the area. The motion passed 6-1 with Councilmember Leighan against.

There was further discussion about authorizing the Mayor to sign the 60% petition regarding the open tract.

Councilmember Herman moved that the Mayor be authorized to sign the 60% petition for annexation of the Quil Lane Open Tract and for an inventory to be done of all City owned property and reviewed by the City Council within 60 days. Councilmember Pedersen seconded and the motion passed unanimously.

Councilmember Pedersen stated she recalled a policy to annex all City property and there was more discussion. City Planner Hirashima pointed out that a legal description has to be developed on every piece of property and probably what has happened in the past is that the pieces there was an immediate need to annex got taken care of first because of developing the legal description and staff time involved.

**2. Utility Variance for Donald Belcher (Q Lube); UV 95-012.**

Public Works Director Winckler reviewed the agenda bill and explained a building permit was issued by another jurisdiction without utilities being in place and a considerable amount of building has occurred. The RUSA Committee recommends approval with conditions as listed in the temporary utility connection agreement, he said.

Don Belcher, 3819 100th Pl. NE, Marysville, WA 98270, addressed Council and stated Mr. Okada had signed an annexation petition to the City of Marysville; Mr. Belcher then subsequently signed the Arlington petition but his signature has now been withdrawn. He said according to the title report, Mr. Okada's signature on the Marysville petition apparently runs with the land. He said he wanted to get out of the county and did not realize there was a dispute going on between Arlington and Marysville, but they are under construction and should have it completed by 11/1/95. He added he went down to Marysville Public Works originally about utilities, before he started building, and they told him he would have no problem getting sewer.

Councilmember Bartholomew commented on the applicant's statement with regard to the covenant being mentioned on the title report and City Attorney Weed noted Mr. Okada apparently signed a covenant in 1978.

Councilmember Pedersen asked about how one went about withdrawing their signature from the Arlington petition and City Attorney Weed said Mr. Belcher may have requested that but City Attorney Weed has not received any confirmation that has been done from the City of Arlington. He added you are not allowed to add or delete signatures after the terminal date of the petition; the RUSA Committee has however asked that City Council give special consideration to the request because a building permit has been issued and construction is almost done but there are conditions:

1. If a Marysville covenant has not been signed, then it would be required.
2. The City has the right to disconnect the utility if the property gets annexed into Arlington.
3. The applicant must release the City of Marysville from liability with regard to disconnection.
4. The Temporary Utility Connection Agreement runs with the property.
5. The applicant must comply with all other provisions of the utility code.
6. The time period is to be for 6 or 12 months.

Councilmember Pedersen moved and Councilmember Baxter seconded to approve the variance subject to the conditions, for 12 months.

There was further discussion about the agreement being drawn up and brought back at next City Council meeting. The motion passed unanimously.

**3. Utility Variance for Karen Pursel/Vic Cox Jr.; UV 95-013.**

Public Works Director Winckler reviewed the agenda bill, noting the RUSA Committee made the same recommendation as #2; that a building permit was issued and a considerable amount of construction has been done.

City Attorney Weed said apparently the attorneys for this applicant brought it to his attention that only one of the partners signed the Arlington annexation petition and it's their belief that the signature is therefore invalid as there is a partnership agreement in effect. As in the last request, there has been substantial construction as a result of a permit being issued by another agency and this is the unique situation, he said.

Councilmember Baxter moved and Councilmember Bartholomew seconded to grant the variance, for 12 months, based on the conditions as outlined by the City Attorney. Passed unanimously.

**4. Utility Variance for Bayside Enterprises (Kentucky Fried Chicken); UV 95-009.**

Public Works Director Winckler reviewed the agenda bill and noted the RUSA Committee recommends approval, the same as the previous two requests, as a building permit was issued by another agency.

City Attorney Weed clarified it was a prior owner who signed the Arlington annexation petition and there was reference to a utility commitment letter from Marysville although he said he is not sure if it is still in effect. He pointed out that this is the same situation where the developer received a building permit and the facility is getting very close to completion which creates an unusual hardship.

Steve Crandall (Attorney?), spoke on behalf of Bayside Enterprises and stated they are prepared to have more people speak in favor of granting this variance, if necessary. He stated the current property owner did not sign the Arlington petition; the previous owner's signature did come to light on the title report. He said they do have a concern about the time limit (12 months) on the temporary utility variance; they want to have their business open by 11/1/95 but until the utilities are connected, they can't complete the site work.

Councilmember Pedersen asked about the Marysville commitment letter and Mr. Crandall stated it was issued in 1992 by the City of Marysville, stating the offer for utilities was only open for 6-12 months so it is no longer valid at this time.

City Attorney Weed asked if the original plan was to open 11/1/95 and Mr. Crandall said he thinks it was actually earlier but it's now 11/1/95 because of the lack of utilities, for one thing; they are in a waiting mode at this time.

Tim Forrester, 7224 53rd Av. NE, Marysville, addressed Council, stating he is to be the manager of the Kentucky Fried Chicken when it opens and he moved his family here in August from Port Angeles. He said he would really like to start work. The opening was to have been October 23 and it has now had to be rescheduled to 11/1/95 and he said he would like the City to grant the variance.

Richard Opplar, 9125 Lk. Washington Blvd. NE, Bellevue, addressed Council, stating he is in support of the variance. He added he really appreciates Marysville City staff in return telephone calls (better than in other government agencies).

Steve Bertoldi, 12820 60th, Mukilteo, addressed Council, stating the actual opening date was 10/23 and they did have to set it back because of the site work. He also noted the City of Marysville returns their phone calls, better than Arlington does.

Councilmember Pedersen moved and Councilmember Baxter seconded the motion to grant the variance for 12 months, subject to the conditions as per the RUSA Committee recommendation, because of unique circumstances. The motion passed unanimously.

City Attorney Weed stated the Resolution and Agreement would be drawn up and come back at the next Council meeting 10/9/95.

ORDINANCES & RESOLUTIONS:

- 1. Resolution of the City of Marysville Declaring Certain Items of Personal Property to be Surplus and Authorizing the Sale Thereof.**

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve/adopt Resolution 1753. Passed unanimously.

- 2. Resolution of the City of Marysville Granting a Sewer Utility Connection to the Tulalip Tribes of Washington for a Destination Resort, Subject to Conditions.**

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve/adopt Resolution 1754. Passed unanimously.

ADJOURNED: 8:33 p.m.

Accepted this 9th day of October, 1995.

David Weiser  
MAYOR

Mary P. Swenson  
CITY CLERK

Manda A. Swenson  
RECORDING SECRETARY