



MARYSVILLE CITY COUNCIL MEETING

OCTOBER 9, 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 (excused)  
Shirley Bartholomew  
Administrative Staff:  
Dave Zabell, City Administrator  
Steve Wilson, Finance Director  
Grant Weed, City Attorney  
Jim Ballew, Parks & Recreation Director  
Ken Winckler, Public Works Director  
Wanda Iverson, Recording Secretary

CORRECTED: SEE 10/23/95  
MINUTES

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order and led us in the pledge of allegiance, at approximately 7:05 p.m.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

There being no corrections, Councilmember Leighan moved and Councilmember Wright seconded to approve the 10/2/95 minutes as written. Passed unanimously.

AUDIENCE PARTICIPATION: None.

CONSENT AGENDA:

1. **Approval of 9/95 Payroll in the Amount of \$565,839.09; paid by check nos. 18457 through 18786.**
2. **Approval of 10/9/95 Claims in the amount of \$1,561,318.64; paid by check nos. 26147 through 26337.**
3. **Acceptance of Marysville Library Project & Begin 45 Day Lien Filing Period.**

Councilmember Myers moved and Councilmember Bartholomew seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously. (Councilmember Baxter abstained on Voucher #26270 and Councilmember Leighan abstained on Voucher #26328 under Consent Agenda Item #1.)

STAFF'S BUSINESS:

Finance Director Wilson announced next Monday & Tuesday will be Budget Workshop meetings, starting at 6 p.m. Material will be distributed prior to the meetings.

City Attorney Weed reported he plans to attend the Biennial Assn. of Washington Attorneys Meeting in Bellingham Thursday, Friday and Saturday and on the agenda is R-48, Growth Management Act and other timely issues.

Public Works Director Winckler outlined Change Order #1 for the Grove Street/Munson Creek Crossing Project which involves 4 conduits, casings, construction and support system in the amount of \$2950 for the Change Order which represents 2% of the total project. He explained the City will be asking the utility company for recovery and Fisheries has extended the construction window. He noted there is administrative authority to go ahead with change orders amounting to up to 10% of the total project cost and so this is basically for Council's information only.

Public Works Director Winckler noted he will be meeting with a representative from BN this Wednesday to discuss several railroad crossings.

Parks & Recreation Director Ballew made an overhead and slide presentation for improvement of the I-5/4th St. Exit interchange involving new signage, landscaping, lighted brick monuments, concrete buttress walls utilizing existing trees, small waterfall systems and planters. He estimated the total cost at \$17,000 for 6 corners and this would include the replacement of the sign next to Jack in the Box.

There was discussion regarding funding, approaching the development community since they were the ones who wanted the improvement in the first place and this will bring more people into Marysville, suggestions regarding curbing vandalism, sponsoring of trees as was done on 528, possibly getting service organizations to contribute. It was also suggested that a community committee be set up so people in the community can get involved and partially "own" the project.

MAYOR'S BUSINESS:

Mayor Weiser said he talked with BN about the 4th St. Crossing problems and they might move the sensors or else not increase the train speed until later up the line. He said BN & WSP are aware of the situation and working to solve it.

2) The City has been awarded the annual AAA Pedestrian Safety Award which will be presented soon.

3) Adult Entertainment Review Committee met last Tuesday regarding secondary effects and the meeting was well attended. There are more meetings to come, he reported.

CALL ON COUNCILMEMBERS:

Councilmember Leighan reported the Old Library/New City Hall Remodel Committee met and will be bringing estimates back to Council soon.

Councilmember Baxter reported on the Golf Course Renovation Project meeting and there is supposed to be a proposed plan put up in the pro shop at Cedarcrest Golf Course. He outlined the different options regarding closure of the golf course in order to do the renovations and including the restaurant and 67th St. upgrade, the total project is estimated around \$4 million.

There was brief discussion about municipal bonds not going to be tax exempt with new legislation going through and how to fund the golf course renovations.

Councilmember Myers reported the large meeting room at the New Library has been named the Palmer Room and the Library Board is still trying to come up with a name for the smaller meeting room. He said they are also researching what percentage of the total project can be used for art, stained glass, etc.

NEW BUSINESS:

**1. Utility Variance for Tulalip Tribes Cultural Center & Museum;  
UV 95-011.**

Public Works Director Winckler reviewed the agenda bill, noting the property is outside Marysville's Urban Growth Boundary, Critical Water Study Plan and RUSA boundaries; the RUSA Committee has recommended approval of a sewer connection if the Tulalip Tribes also hook up to Marysville water as our code requires this. It was also noted that another consideration of the RUSA Committee was that the Tulalip Tribes does enjoy unique status in that they are a Sovereign Nation.

Roxanne Hamilton, 151st St., Bothell, Project Coordinator for the Museum, addressed Council, explained the Tribes had previously provided water from the Tulalip Tribes Utilities to the site. There is a 12" main off 23rd NE, she stated and they were not aware of the City requirement to hook up to Marysville water as this is within the Tulalip Tribes' jurisdiction and water has already been provided so she said she thinks they will need to contact the Tulalip Tribes Utilities Commission.

Mayor Weiser noted there was an exception made in the Sunnyside area where the water is supplied by PUD and sewer provided by City of Marysville.

Danny Simpson, 13211 37th Av. NE, representative of the Tulalip Tribes, addressed Council. He stated this area is within the Tulalip Urban Growth Area and they do have water mains on site but need sewer service. He suggested the possibility of drawing up an interlocal agreement or memorandum of understanding with the City in this case.

There was further discussion about the City Attorney checking into this further and Ms. Hamilton indicated they could wait an additional 2 weeks. Discussion about referring it back to the RUSA Committee, about having the agreement between PUD and the City regarding the Sunnyside "overlap" area available.

Councilmember Myers moved and Councilmember Baxter seconded to continue this matter to the 10/23/95 City Council meeting, after being reviewed by the 10/19/95 RUSA Committee meeting. Passed unanimously.

**2. Utility Variance for Marysville Assembly of God Church;  
UV 95-008.**

Public Works Director Winckler reviewed the agenda bill, noting there are now some additional issues and staff is recommending this request be referred back to the RUSA Committee also.

Mayor Weiser noted this property is outside Marysville's Urban Growth Boundary and Public Works Director Winckler said apparently that information was not brought to the attention of the RUSA Committee at the time of their recommendation for approval.

Ken Squires, 6508 56th Dr. NE, Sr. Pastor of the Marysville Assembly of God Church, addressed the Council. He stated they have a large constituency from the church here tonight (about 40 people stood). He said they are all in favor of the variance and he noted the church has been in the community 60 years and has grown considerably in the last few years. He stated they have considered relocation and see the variance as a continuance of keeping in the community however they need to consider another piece of property with a \$25,000 non-refundable deposit next month, so they are interested in knowing if they can have this variance. He pointed out their need for utilities in order to make their expansion feasible.

Rich Emory, 21916 7th Av. NE, Arlington, also representing the Marysville Assembly of God Church, addressed the Council. He said he had understood that the RUSA Committee had approved the variance and was going to recommend a 12" line.

CORRECTED: SEE 10/23/95  
MINUTES 51B "additional"

Public Works Director Winckler explained the RUSA Committee had recommended approval however there has been addition information regarding the UGB that has come to light so it needs to go back to the RUSA Committee.

Mayor Weiser explained the various boundaries involved: Urban Growth Boundary, Critical Water Study Plan Boundary, Rural Utilities Service Area Boundary, Marysville City Limits, etc.

Mr. Emory noted there is an existing sewer line adjacent to the property but Councilmember Baxter explained that is for the Nina Lakes subdivision only; it is a 4" line only. He asked if this is approved, whether the church is willing to bear the cost of boring under I-5 and the Burlington Northern tracks and Mr. Emory said yes, based on the cost of the property from Arco.

Councilmember Bartholomew moved to refer this matter back to the RUSA Committee and continue this item on the Council 10/23/95 meeting agenda. Councilmember Baxter seconded and the motion passed unanimously.

**3. Utility Variance for Noretap Partnership; Pete Poeschel;  
UV 94-006.**

Public Works Director Winckler reviewed the agenda bill, noting the request is for 10 water connections with no sewer connections. He stated the RUSA Committee has recommended approval pending Snohomish County's approvals and with the applicant accepting the current water pressure of 45-50 psi. He noted the property is adjacent to the RUSA boundary, outside Marysville's CWSP.

Councilmember Baxter moved and Councilmember Bartholomew seconded to grant the utility variance based on the recommendations of the RUSA Committee and subject to conditions as outlined by them. Passed unanimously.

ORDINANCES & RESOLUTIONS:

**1. Ordinance of the City of Marysville approving the Decision of the Hearing Examiner for Rezone and Binding Site Plan for Albertson's, Inc.**

Councilmember Wright moved and Councilmember Bartholomew seconded to approve/adopt Ordinance 2048. Passed unanimously.

**2. Resolution of the City of Marysville granting a Conditional Use Permit and Variance for Property Owned by Borseth Construction, Subject to Conditions.**

Councilmember Myers moved and Councilmember Bartholomew seconded to approve/adopt Resolution 1755. Passed unanimously.

**3. Resolution of the City of Marysville granting a Utility Variance Subject to Conditions for Q-Lube.**

City Attorney Weed commented on the previous discussion at last City Council meeting with regard to the temporary utility agreement, noting KFC and Q-Lube have signed but we have not heard from Vic Cox' attorneys nor has Vic Cox signed the agreement and it is recommended that resolution be continued to 10/23/95.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve/adopt Resolution 1756 and authorize the Mayor to execute the temporary utilities agreement. Passed unanimously.

**4. Resolution of the City of Marysville granting a Utility Variance Subject to Conditions for Kentucky Fried Chicken.**

Councilmember Pedersen moved and Councilmember Wright seconded to approve/adopt Resolution 1757 and authorize the Mayor to execute the temporary utilities agreement. Passed unanimously.

**5. Resolution of the City of Marysville granting a Utility Variance Subject to Conditions for Vic Cox.**

City Attorney Weed said he would be contacting attorney for Vic Cox regarding the temporary utilities agreement.

Councilmember Bartholomew moved, Councilmember Pedersen seconded to continue this to 10/23/95. Passed unanimously.

LEGAL MATTERS: None.

ADJOURNMENT INTO EXECUTIVE SESSION: 8:17 p.m.

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|------------------------|-------------|
| 1. <b>Litigation.</b>  | (No Action) |
| 2. <b>Personnel.</b>   | (No Action) |
| 3. <b>Real Estate.</b> | (No Action) |

RECONVENED & ADJOURNED: 9:30 p.m.

Accepted this 23rd day of October, 1995.

*David Weiss*

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MAYOR

*Mary P. Iverson*

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CITY CLERK

*Wanda A. Iverson*

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RECORDING SECRETARY