

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JANUARY 22, 1996 105

CALL TO ORDER/FLAG SALUTE: 7:00 p.m.

MINUTES OF PREVIOUS MEETINGS: 1/8/96 Approved

AUDIENCE PARTICIPATION: Terry Van Dyke

CONSENT AGENDA: Approved:

1. Approval of Liquor License Renewals for AJ's at Cedarcrest; Boulevard Grocery; Godfather's Pizza #48523; Loyal Order of Moose Marysville Lodge 1845; Marysville Texaco Starmar; Saigon Garden Restaurant; Skipper's Seafood 'N Chowder House #109; and 7-Eleven Store #2306-18861D.
2. Approval of 1/22/96 Claims in the amount of \$1,122,140.89; paid by check nos. 27331 thru 27606 with check nos. 23831, 27196, 27212, 27270 void.
3. Authorize Mayor to Sign Professional Services Supplemental Agreement No. 1; 136th St. NE Third Lane Improvements; Perteet Engineering.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS: Special Joint Fire Dist. & City Council Meeting to be held 2/6/96 7:30 p.m. after Special Council Meeting at 6:30 p.m.

PRESENTATIONS:

1. Dr. Martin & Dierdre Kvanges - Marysville School Dist. Maintenance & Operations Levy 2/6/96 - Resolution 1777 Approved

PUBLIC HEARINGS:

1. Final Draft of Marysville Comprehensive Plan Continued to 2/20/96 6:30 p.m. (Special Mtg.)

CURRENT BUSINESS:

1. Discussion of Mayor's Duties Continued to 2/26/96

NEW BUSINESS:

1. Human Svcs. Funding/Msvl. Community Food Bank Approved
2. Utility Variance for Belmark Industries; 132nd St. NE & 56th Av. NE; UV 96-001 Approved
3. Pretreatment Ordinance Public Hrg. Set for 2/12/96

ORDINANCES & RESOLUTIONS:

1. Ord. 2060 Approved Affirming Decision of Hearing Examiner & Rezoning Property Owned by Marjory Homan, Amending Official Zoning Map Previously Adopted in Ord. No. 772.
2. Res. 1778 Approved Granting a Variance for Property Owned by John & Suzette Nielson Subject to Conditions.
3. Res. 1779 Approved Granting a Conditional Use Permit for property owned by Jack Lovell subject to conditions.
4. Res. 1780 Approved Granting a Conditional Use Permit for property owned by Scrupps Development subject to conditions.

LEGAL MATTERS:

1. Recovery Contr. #188 Approved - Arlington Christian School
2. Recovery Contr. #189 Approved - Christopher S. Johnson

ADJOURNMENT INTO EXECUTIVE SESSION: 9:49 p.m.

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

RECONVENED & ADJOURNED: 11:07 p.m.

MARYSVILLE CITY COUNCIL MINUTES

JANUARY 22, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
John Myers
Ken Baxter
Donna Pedersen
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Dave Zabell, City Administrator
Steve Wilson, Finance Director
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Jim Ballew, Parks & Recreation Director
Ken Winckler, Public Works Director
Eric Thompson, Senior Planner
Wanda Iverson, Recording Secretary

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CORRECTED: SEE 2/5/96
MINUTES

CALL TO ORDER/FLAG SALUTE:

Mayor Weiser called the City Council meeting to order and led the pledge of allegiance.

ROLL CALL:

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

MINUTES OF THE PREVIOUS MEETINGS:

Councilmember Bartholomew noted on page 4, in the sixth paragraph of the minutes from 1/8/96, that Mr. Hereth operates the recycling domes as a public service at his place of business. On page 6, in the second paragraph, "Hudifer" should be "Huitger" and in the same paragraph, "Fred Wegrum" should be "Fred Wigren." Also, on page 10 in paragraph 5, "Fred Wegrum" should be "Fred Wigren."

Councilmember Myers noted on page 1 of the 1/8/96 minutes under Minutes of the Previous Meetings that both figures for the old and new library comparison were for a one month period of time.

Councilmember Herman noted on page 15 the 7th paragraph should be amended to read: "Councilmember Herman said he would like to see covenants regarding the Wastewater Treatment Facility developed at the Jan. 29th workshop, especially when it involves another jurisdiction, and also would like the City Attorney to look at ways to address the WWTF concerns.

There being no further corrections, Councilmember Myers moved and Councilmember Herman seconded to approve the 1/8/96 City Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Terry Van Dyke, 8630 36th Av. NE, addressed Council and said he understands that his area is to be annexed, that he is buying some residual property from the 88th St. project and understands the City is rezoning the property along 88th. He explained part of the property he is buying is for egress and ingress to his current property and he would like to make sure it's not zoned commercial.

Mayor Weiser explained this will be included in the Public Hearing for the Final Draft of the Comp Plan, later on tonight's agenda.

CONSENT AGENDA:

1. Approval of Liquor License Renewals for AJ's at Cedarcrest; Boulevard Grocery; Godfather's Pizza #48523; Loyal Order of Moose Marysville Lodge 1845; Marysville Texaco Starmar; Saigon Garden Restaurant; Skipper's Seafood 'N Chowder House #109; and 7-Eleven Store #2306-18861D.
2. Approval of 1/22/96 Claims in the amount of \$1,122,140.89; paid by check nos. 27331 thru 27606 with check nos. 23831, 27196, 27212, 27270 void.
3. Authorize Mayor to Sign Professional Services Supplemental Agreement No. 1; 136th St. NE Third Lane Improvements; Perteet Engineering.

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve Consent Agenda Items 1, 2 & 3. Passed unanimously. (Councilmember Baxter abstained from voting on Voucher #27495 under Item #2.)

STAFF'S BUSINESS:

City Planner Hirashima reported the Planning Commission will be holding a public hearing on the Small Farms Ordinance in February. One of the things discussed is concurrent zoning on existing small farms with a notification process of designations, she said. She added that the Planning Commission is currently working on a Mixed Use Ordinance which is a totally new section in the zoning code; a draft of this ordinance is available from the Planning Dept. She stated the Mixed Use area would include downtown and 4th St. With regard to 88th St. From State to 67th, there is coordination between the City and county. The City Engineer has been in contact with the county and was told it was included in the transportation improvement plan but not within the next 6 years; it's an area that is probably felt to be planned for annexation into the City. There is an 80' right of way requirement for any future projects along 88th St., she noted.

MAYOR'S BUSINESS:

Mayor Weiser announced the upcoming DARE Graduations: 1/25 at Kellogg Marsh and 1/30 at Pinewood. He noted Art Dubarko, former Marysville Mayor, recently gave Mayor Weiser a copy of a 7/9/69 letter that was written to the State regarding concerns they were having at that time about 528, 67th, I-5 & 4th St. and other arterial and traffic signal issues.

CALL ON COUNCILMEMBERS:

Councilmember Wright noted there is a Regional Service Committee Meeting tomorrow night at the Boys & Girls Club. She asked about the Streetscape committee and whether they would be talking about public and/or private streets.

Parks & Recreation Director Ballew stated there was a concern about private streets but the committee was informed that there is a landscape ordinance to take care of that and so their main focus is public streets.

Councilmember Pedersen noted when she asked TCI about a refund on her bill, she was told she was not within City limits!!

Councilmember Myers brought up several topics: Sights & Bites funding, location of a Skateboard Park, Washington Center Recycling, Friends of the Library request, 25 mph speed limit within City limits. He said his priority would be the Sights & Bites request for funding from the City.

Parks & Recreation Director Ballew referred to a memo and stated the Greater Marysville Arts Guild has now received tax exempt status which qualifies them to conduct business in the park and also they have made some changes with regard to the festival. He

said they have scaled it down to a smaller size and he would like to meet with their chair again and is optimistic the festival can be a continuing event in Marysville.

Councilmember Baxter commented that he thinks the City should spend some money promoting the City overall and Councilmember Pedersen said she would like to see the Arts Commission reinstated. There was discussion about promotion of Marysville, having a committee to promote Marysville, hotel/motel fund grants and application process, Mary Swenson to have something the first week in February for the Council to review.

Councilmember Myers said he would like to see the issue of the Skateboard Park on the next Council agenda and that was the consensus of Council. He also asked about a letter of support for the Washington Center Recycling as well as the Friends of the Library request and both these items are to be on next meeting's agenda, it was decided.

Councilmember Bartholomew asked about rental value for the library and talked about a House Bill regarding grandfathering gun ranges. She suggested a letter to Representative Costa.

City Attorney Weed noted that if the house bill on gun ranges is adopted, it would grandfather in gun ranges and exclude them from noise ordinances, etc. if a development were to be built next to them, for example. He said the City could draft a letter to let Representative Costa know the City's concerns.

Councilmember Bartholomew said she was strongly opposed to the house bill being passed but Councilmember Baxter explained that if the rifle club is an existing use and a housing development wants to come in, they could put the range out of business possibly, so people have to acknowledge the noise was there first; a gun range would have a hard time relocating.

Councilmember Wright asked about existing ranges in our UGB and Councilmember Baxter said there is only one and it is out by Lake Ki. Councilmember Bartholomew said her concern is that local government loses control over things like this, for example, airports and roosters are allowed to make unlimited noise because they were there first.

Mayor Weiser suggested a letter stating we have concerns both ways and Councilmember Bartholomew added she would like the letter to go to Rep. Costa as well as to the Snohomish County Committee. She commented on a letter from Congressman Metcalf, Linda Holt, etc. regarding the meeting 2/9 re an additional strip at Seatac Airport.

CORRECTED: SEE 2/5/96
SIB "Legislators"

Councilmember Herman reported he was selected again by the CT Board to a 2 year term to represent medium sized cities. With regard to the 1/29/96 City Council Workshop, he would like information regarding alternative scenarios for a viable treatment facility, worst case scenario if Marysville is unable to come to an agreement with adjacent jurisdictions, with some alternatives.

CORRECTED: SEE 2/5/96
SIB "Holt"

Councilmember Leighan referred to a memo with regard to televising Council meetings and suggested this be put on a future agenda. He commented on a letter from Diking District 3 regarding flooding concerns and requested a time and date for a Joint Fire District and City Council meeting. It was the consensus to hold this meeting at 7:30 p.m. 2/6/96 after the Special Council Meeting at 6:30 p.m. regarding the bond issue.

Councilmember Leighan referred to material in the packets regarding the Smokey Point Annexation and this was referred to Executive Session.

Councilmember Pedersen clarified that RUSA meetings are held the Thursday before the third Monday of each month.

Councilmember Baxter asked about the project at 108th & 67th and Public Works Director Winckler said he would check on it.

PRESENTATION:

Dr. Martin, Marysville School Superintendent, talked about the upcoming 2/6/96 Maintenance & Operations Levy. He said it has been interesting for him to see the process of levies in different states and trying to understand the funding of schools. His experience has ranged from Colorado where schools were funded 50% by the local taxpayers and 50% by the state to Fort Campbell, Kentucky where there was 100% federally funded housing/schools.

He passed out three fact sheets and discussed some of the issues in Marysville. He talked about the reassessment process in two years and there being a levy lid of \$8.9 million in '97 and \$9.1 million in '98.

Dierdre Kvanges, 7811 77th St. NE, addressed the Council as co-levy chairperson. She explained she has a passion for levies as she is the product of Marysville High School when the levy didn't pass in 1977-78. She pointed out that the Marysville schools are currently very overcrowded, that the school district operates on a tight budget and very efficiently. She spoke highly of the school district and Dr. Martin and how many organizations in the community including all PTSAs have endorsed the M&O levy coming up Feb. 6. She encouraged everyone to vote, to get involved in education in Marysville and thanked the Council for their insightfulness and concern for the future of Marysville's children.

City Attorney Weed explained the City is not allowed to use publicly elected bodies to support issues with the exception of school issues, if it's on the agenda and providing anyone in the audience that wishes to express a negative view is given that opportunity. (No one wished to address Council.)

Councilmember Bartholomew asked about the number of students in Marysville and Dr. Martin stated they have 9318 FTEs for funding purposes; it's close to 10,000 actual number of students because kindergarteners are half time students, he pointed out. He added that one of the challenges is where they are going to house them all and they will soon be considering where to locate elementary school number ten in the district, possibly on the west side of the freeway or on 152nd which would need more services and site preparation work.

Dr. Martin noted the school district has received approval from the state for the new elementary school so they are looking at an 18 month projection for completion of a school which is coincidental with a new Navy projection which is going to need more space. He noted the schools are completely full in the north end of Marysville and getting very close to capacity in the rest of the schools.

Councilmember Bartholomew pointed out that 20,000 more residents are supposed to come into the immediate area as a result of the Navy realigning their fleet.

Dr. Martin agreed that there is going to be a concentration of people in an area that is totally (property) tax exempt by Fall of 1997 which is the target date for opening of the new school.

Councilmember Leighan noted he has leant his name to the M&O Levy Committee personally and also moved to approve and adopt the second resolution in the packets, urging citizens to vote Feb. 6. Councilmember Baxter seconded the motion to adopt and approve Resolution #1777. Passed unanimously.

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PUBLIC HEARINGS:

**1. Final Draft of the City of Marysville Comprehensive Plan;
PA 9510049.**

City Planner Hirashima reviewed the agenda bill and information in packets as well as the November public hearing summary of changes, letters from Van Dykes, ASI, Shockey/Brent, and Bob Aldridge. She noted the Dept. of Community Development of Snohomish County has submitted a draft letter in which they have made a couple of requests that need to be reviewed further for clarification but generally their comments were positive. She said they also had a suggestion about minimum densities.

Councilmember Bartholomew asked about limitation on hours of operation and City Planner Hirashima explained under Neighborhood Commercial on page 518, these are areas mainly adjacent to residential areas and so they limit site sizes, types of stores, number of gas pumps, hours of operation (from 5 a.m. to 11 p.m. or 6 a.m. to 11 p.m.); there is some flexibility, she said.

Susan Williams, 6526 100th St. NE, addressed Council noting she had requested consideration of a density change to 7200. City Planner Hirashima stated that will be included in the staff summary.

Terry Van Dyke addressed Council again and said his only comment is that he would not want their land to be considered for commercial development; it will be totally land locked and inappropriate for development except as use for their own access.

Mayor Weiser explained that in the past, the Comp Plan was the City's vision for the future, i.e. potential use, and what the City will be facing is to make the zoning consistent with the Comp Plan and there are a number of options but they will keep the Van Dyke request in mind.

Councilmember Leighan asked for clarification and Mr. Van Dyke stated they have an easement off 36th and their property actually borders the new freeway offramp. He added he just wanted to enlarge his personal residential property.

Councilmember Leighan asked about the remaining residual adjacent property and whether there would be concerns about it being rezoned commercial and Mr. Van Dyke said he had no problem with that.

City Planner Hirashima passed around the map showing where the exact location of the residual property is.

Ron Homewell, ASI, addressed Council regarding property to be zoned Mixed Use at 88th and 36th. He referred to a letter in the packets and stated Mr. Van Dyke's property is adjacent but in ASI's letter there is an error: Mr. Levine was aware that the current Comp Plan stated the property was residential but that it was to be requested to be changed to commercial. Mr. Homewell noted the property is very well suited for commercial and not mixed use which would really be spot zoning.

Rick McArdle, 2924 Colby, Everett, addressed Council on behalf of Don Richards and referred to a letter in the packets. He said he would like the property designated as an extension of Windsor Square and the letter supports this; it's only 2 acres but they feel it's very important in meeting the needs of Windsor Square and the community. He gave the address as 9802 48th Dr. NE.

There being no one further wishing to testify, the Mayor closed this public hearing to public testimony at 8:26 p.m.

City Planner Hirashima pointed out there is one area that the Planning Commission is still reviewing and this will be brought to Council in March or April.

There was discussion about big box stores, temporary stores that come in and smaller businesses go out of business, north area needing to be reviewed, another request for higher density near 108th, City Planner Hirashima having more changes, possibly devoting a workshop or Council meeting to the Comp Plan, individual planning area maps or maps specific to each request, DCD final letter. There was discussion about when to continue this to.

Councilmember Bartholomew then moved and Councilmember Pedersen seconded to continue this to 2/20/96 at 6:30 p.m. Passed unanimously.

NEW BUSINESS:

1. Human Services Funding/Marysville Community Food Bank.

City Administrator Zabell reviewed the agenda bill. He noted funds are available.

Councilmember Baxter moved and Councilmember Myers seconded to approve the request for \$846.00 for City permit fees. Passed unanimously.

2. Utility Variance for Belmark Industries, Inc.; 132nd St. NE & 56th Ave. NE; UV 96-001.

Public Works Director Winckler reviewed the agenda bill and after a short discussion, Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the variance including the recommendations of staff regarding meeting the criteria and upsizing the existing system if necessary to provide adequate fire protection. Passed unanimously.

3. Pretreatment Ordinance Public Hearing Date Set.

Councilmember Herman moved and Councilmember Bartholomew seconded to set a public hearing date of 2/12/96. Passed unanimously.

CURRENT BUSINESS:

1. Discussion of Mayor's Duties (cont. from 12/4/95).

City Administrator Zabell reviewed handouts outlining comparison cities (Anacortes, Auburn, Redmond, Edmonds, Lynnwood and Mount Vernon). He noted Marysville does not have an exact match and encouraged Councilmembers to seek out independent opinions with some considerations being reporting relationships, relationships of Mayor and/or City Administrator with Council, organizational charts, funding of two full time positions, actual duties of the Mayor.

There was discussion regarding administrative vs public relations roles of the Mayor, for example promoting Marysville, meetings, phone calls, drop in visitors/issues, regional council meetings, legislative meetings, growth of the City (20,000 more people coming to Snohomish County and probably going to be located north of Everett in 18 mos.), need to consider someone who has the time for probably more Council meetings as a result of the growth and zoning needs.

After considerably more discussion about discussing an agreement in Executive Session, future roles of Council, Mayor, City Administrator, Council President, City Manager, Assistant Administrator and other possible situations, it was decided that more information needs to be received before a final decision can be made.

no agreement
discussed

CORRECTED: SEE 2/5/96
MINUTES

Councilmember Leighan left Council Chambers at 9:45 p.m.

Councilmember Bartholomew moved and Councilmember Myers seconded to continue this discussion to 2/26/96. The motion passed 6-0.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Affirming Decision of Hearing Examiner & Rezoning Property Owned by Marjory Homan, Amending Official Zoning Map Previously Adopted in Ord. No. 772.**

Councilmember Wright moved and Councilmember Myers seconded to approve and adopt Ordinance 2060. Passed 6-0.

2. **Resolution Granting a Variance for Property Owned by John & Suzette Nielson Subject to Conditions.**

Councilmember Myers moved and Councilmember Herman seconded to approve and adopt Resolution 1778. Passed 6-0.

3. **Resolution Granting a Conditional Use Permit for property owned by Jack Lovell subject to conditions.**

Councilmember Myers moved and Councilmember Wright seconded to approve and adopt Resolution 1779. Passed 6-0.

4. **Resolution Granting a Conditional Use Permit for property owned by Scrapps Development subject to conditions.**

Councilmember Herman moved and Councilmember Myers seconded to approve and adopt Resolution 1780. Passed 6-0.

LEGAL MATTERS:

1. **Contract for Recovery of Utility Construction Costs; Arlington Christian School.**

Councilmember Wright moved and Councilmember Myers seconded to approve/adopt Recovery Contract 188. Passed 6-0.

Councilmember Leighan return to Council Chambers at 9:48 p.m.

2. **Contract for Recovery of Utility Construction Costs; Christopher S. Johnson.**

Councilmember Myers moved and Councilmember Pedersen seconded to approve/adopt Recovery Contract 189. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 9:49 p.m.

1. **Litigation.** (No Action)
2. **Personnel.** (No Action)
3. **Real Estate.** (No Action)

RECONVENED & ADJOURNED: 11:07 p.m.

Accepted this 5th day of February, 1996.

David Weiser
MAYOR

Mary D. Sverson
CITY CLERK

Manda R. Sverson
RECORDING SECRETARY