

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

APRIL 8, 1996

00104

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

MINUTES OF PREVIOUS MEETINGS:

4/1/96 Approved

AUDIENCE PARTICIPATION:

None

CORRECTED: SEE 4/22/96 MINUTES

CONSENT AGENDA:

Approved:

1. Approval of Liquor License Renewals for Conto's Pizza & Pasta, Hunter's Corner, and Las Margaritas Family Mexican Restaurant.
2. Approval of March, 1996 Payroll in the amount of \$608,579.96; paid by check nos. 20862 through 21206 with check no. 20951 void.
3. Approval of 4/8/96 Claims in the amount of \$621,428.99; paid with check nos. 28588 through 28763 with check nos. 28098, 28226 and 28278 void.
4. Authorize Mayor to Sign Professional Services Contract for 1996 Wetland Monitoring; Jones & Stokes.

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

Proclamation: Barber Shop Harmony Week Apr. 7-14/96

CALL ON COUNCILMEMBERS:

PETITIONS & COMMUNICATIONS:

None

PUBLIC HEARINGS:

1. Proposed Ordinances and Recommendations for Adult Entertainment. Factual Findings Approved; Zoning Ord. 2069 Passed 6-1; Lic. & Reg. Ord. 2070 Passed 5-2

REVIEW BIDS:

None

ORDINANCES & RESOLUTIONS:

1. Ordinance 2071 approved, amending 1995 Budget & Providing for the increase of Certain Expenditure Items as Budgeted for in 1995.
2. Ordinance 2072 approved, adopting Comprehensive Pretreatment Ordinance & Establishing General Provisions & Requirements, Wastewater Discharge Authorization Requirements, Reporting, Sampling and Analytical Requirements, Compliance Monitoring, Confidential Information, Administrative Enforcement Remedies, Judicial Enforcement Remedies, Supplemental Enforcement Action, Affirmative Defenses, and Miscellaneous.
3. Resoltuion 1789 approved, granting util. var. Gary Ball/John Robinett for property at 2988-188th St. NE, Arlington.
4. Resolution 1790 approved, granting util. var. for J & D Bldrs. for property at 100th St. & 67th Av. NE, Marysville.
5. Resolution 1791 approved, denying util. var. for Khanh Lam property at 16820 Smokey Pt. Blvd., Arlington.
6. Resolution 1792 approved, denying util. var. for Johnson Prop. for property located at 35th Av. NE & SR 531, Arlington.
7. Resolution 1793 approved, denying util. var. for Chase Development for property at 172nd St. NE immed. east of Gateway Shopping Center, Arlington.

LEGAL MATTERS:

Approved contract w/WSDOT for installation of 24" pipe along SR 528

ADJOURNMENT:

9:55 p.m.

EXECUTIVE SESSION:

10:07 to 10:22 p.m.

1. Litigation. No Action

RECONVENED:

Discussion regarding volunteer dinner

ADJOURNMENT:

10:23 p.m.

MARYSVILLE CITY COUNCIL MEETING

APRIL 8, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Donna Pedersen
John Myers
Ken Baxter
Mike Leighan
Otto Herman
Shirley Bartholomew
Administrative Staff:
Steve Wilson, Finance Director
Thom Graafstra, City Attorney
Gloria Hirashima, City Planner
Mary Swenson, City Clerk/Asst. to City Administrator
Dave Zabell, City Administrator
Wanda Iverson, Recording Secretary

00155

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order and led us in the pledge of allegiance at approximately 7:00 p.m.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

Councilmember Wright noted on page 5 of the 4/1/96 minutes, in the 3rd paragraph from the bottom, "Margaret McKelvey-Bell" should be "Margaret McKelvey-Bitto" and on page 6, in the 4th paragraph from the bottom, "Mr. Emery" should be "Mr. Emory." Also, on page 7, in the 4th paragraph from the top, "35th" should be "36th" and on page 8, in the third to last paragraph, the words "except at/on 36th" should be added to the end of that sentence after "88th."

Councilmember Pedersen noted on page 3, in the 4th paragraph under Call on Councilmembers, "Dr. Shado" should be "Dr. Shadow."

Councilmember Herman noted on page 3 in the 2nd paragraph from the bottom, it should read: "Councilmember Herman said he was pleased to return from Central Washington and discover he had been elected a member of the PSRC Transportation Council, representing ~~Marysville City Council.~~ *Snohomish County Cities + Towns*"

CORRECTED: SEE 4/22/96 MINUTES

There being no further corrections, Councilmember Herman moved and Councilmember Pedersen seconded to approve the 4/1/96 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION: None.

CONSENT AGENDA:

1. Approval of Liquor License Renewals for Conto's Pizza & Pasta, Hunter's Corner, and Las Margaritas Family Mexican Restaurant.
2. Approval of March, 1996 Payroll in the amount of \$608,579.96; paid by check nos. 20862 through 21206 with check no. 20951 void.
3. Approval of 4/8/96 Claims in the amount of \$621,428.99; paid with check nos. 28588 through 28763 with check nos. 28098, 28226 and 28278 void.
4. Authorize Mayor to Sign Professional Services Contract for 1996 Wetland Monitoring; Jones & Stokes.

After a few brief questions, Councilmember Myers moved and Councilmember Bartholomew seconded to approved Consent Agenda Items 1 through 4. Passed unanimously. (Councilmember Leighan did not vote on Voucher #28757 and Councilmember Baxter did not vote on Voucher #28703 under Item #3.)

STAFF'S BUSINESS:

City Administrator Zabell explained the Public Works Director and City Attorney Weed are at the Boundary Review Board Hearing tonight. He commented on an upcoming 4/29 volunteer dinner, the AWC Bulletin regarding the summer conference in June and a three page agreement with WSDOT regarding construction of a 24" storm sewer line starting on Beach. He said authorization is required to enter into this agreement with WSDOT at a cost of \$78,000. This item was moved to Legal Matters.

City Planner Hirashima reported the Planning Dept. received last week an Environmental Assessment from the U.S. Navy for 200 homes south and north of 152nd; two sites have been analyzed and they have come up with a "Finding of No Significant Impact" (FONSI), she said.

Councilmember Bartholomew questioned the "FONSI" and expressed concern.

City Planner Hirashima said the Environmental Assessment does take into consideration the pending annexation issue but there has been no formal public inquiry; there is capacity in the system, the use does divert from what was planned (residential vs commercial and industrial park) and she will provide additional information at a later date specifically regarding services allowed.

MAYOR'S BUSINESS:

Mayor Weiser announced the North Snohomish County Coalition meeting tomorrow night will be held at the Arlington City Hall vs the Boys & Girls Club as previously announced.

Proclamation: Mayor Weiser read and signed a Proclamation declaring April 7-14, 1996 Barber Shop Harmony Week. He presented the Proclamation to Dave Olson, local Barber Shop Quartet representative.

CALL ON COUNCILMEMBERS:

Councilmember Myers reported on several items from the Library Board Meeting today, eg. requirement of a crosswalk, additional senior parking and the fact that last Saturday's Friends of the Library book sale raised \$3,000 for the Library, the largest book sale they have had ever.

Councilmember Herman reported the CT Board has revised its position and he brought copies of the revised plan for those interested.

Councilmember Leighan mentioned again the work release siting and their upcoming open house 4/18 from 6-8 p.m. at the Tulalip Inn for those interested. He also requested crosswalks be looked into at 9th & State as well as 94th & State and perhaps some cross-hatching and/or signs stating the law warning people to stop when crosswalk is occupied.

Councilmember Wright noted there are a lot of junk cars being parked on the street near Cedar & Grove. Councilmember Myers said he talked with Code Enforcement Officer Rochon about that situation and it is being taken care of.

Councilmember Pedersen asked about the Health Week Proclamation and an update with regard to future uses of City Hall once City Hall moves to the old library building. She suggested naming the old city hall the "Ken Baxter Building."

PUBLIC HEARING:

1. Proposed Ordinances and Recommendations for Adult Entertainment.

Mayor Weiser announced that everyone wishing to speak on this matter is to fill out a form available at the door. It was also noted that the minutes for this section were being taken by Deirdre Lindblom, CSR; verbatim minutes to be available from the City Clerk's office. Ms. Lindblom swore in approximately 25 people who indicated they wished to testify and the following people did in fact testify:

Ken Cage, 1269 Beach Avenue, Marysville, WA 98270
Carl Baird, 10512 38th Av. NE, Marysville, WA 98271
Mark Poat, 7029 49th Dr. NE, Marysville, WA 98270
Ben Rosander, 9408 61st Dr. NE, Marysville, WA 98270
Jim Vandyke, 7427 77th Dr. NE, Marysville, WA 98270
Rev. Richard Long, 6905 172nd NE, Arlington, WA 98223
Lee Cundiff, 5217 Grove St., Marysville, WA 98270
Larry Brumbaugh, 4722 80th St. NE, Marysville, WA 98270
Jack Jenkins, 14727 56th Av. NW, Stanwood, WA 98292
Kathy Isaacson, 5327 84th St. NE, Marysville, WA 98270
Tony Bundy, 4902 66th Av. NE, Marysville, WA 98270
Julie Frisk, 7602 65th Dr. NE, Marysville, WA 98270
Debbie Hackworth, 14600 51st Av. NE #145, Marysville, WA 98271
Pat Mantow, 14223 57th Av. NE, Marysville, WA 98271
Peggy Parker, 4405 129th Pl. NE, Marysville, WA 98271
Gary Wright, 5533 Parkside Dr., Marysville, WA 98270
Cheryl Dargets, 1505 1st St., Marysville, WA 98270
Terese & Dennis McGarr (written note sent with Cheryl Dargets)
Rev. James Smith, 1267 Cedar Av., Marysville, WA 98270
Everett Police Chief Jim Scharf, 7626 77th Pl. NE, Marysville, WA
(Adult Entertainment Review Committee Chair) 98270
Marie Waggoner, 14520 81st Av. NE, Arlington, WA 98223

Also, each Councilmember testified that he/she had reviewed all the materials submitted by the Adult Entertainment Committee and the Planning Commission.

Public testimony was begun at 7:51 and closed at 9:12 p.m.

After considerable discussion, Councilmember Bartholomew moved and Councilmember Baxter seconded to accept the factual findings of the Adult Entertainment Committee and Planning Commission as follows:

i. Adult entertainment facilities and adult entertainment businesses include establishments offering panoram, peep shows, semi-nude or nude dancing. Currently there are no such establishments operating in the city of Marysville. Facilities of this nature do operate within the city of Everett and unincorporated Snohomish County. Nor are there any bikini clubs, public bath houses, body shampoo parlors, or tattoo parlors currently in Marysville.

ii. There is substantial and compelling evidence as set out in staff reports and public testimony that the use of property to operate, conduct or maintain adult use establishments and adult use facilities and bikini clubs is a use which, because of its very nature, has serious objectionable operational characteristics and both primary and secondary effects. Those operational characteristics include a wide range of criminal and other unlawful activities that have regularly and historically occurred on and near or as a result of visits to adult use establishments and bikini clubs. These activities include prostitution, narcotics and liquor law violations, breaches of the peace, assaults, and sexual conduct involving contact between patrons and between entertainers and patrons, some of whom have been minors, and similar activity occurring in parking areas and the enfirons of adult use facilities.

CORRECTED: SEE 9/22/96 MINUTES 6/8 "MINORS"

iii. The objectionable operational characteristics, activities and secondary effects related to adult use establishments and bikini clubs pose a threat to the public health, safety and welfare of the citizens of the city of Marysville. This threat is most serious when conducted in close proximity to places where minors gather. Similar threats arise from public bath houses, body shampoo parlors and to a lesser extent from tattoo parlors.

iv. The need to protect minors from the unlawful activities associated with the operation of adult use establishments and bikini clubs would be a compelling governmental interest.

v. The objectionable characteristics associated with adult use establishments, public bath houses, tattoo parlors and body shampoo parlors promote declines in adjacent property values, neighborhood blight and general secondary effect on the quality of life in the environs of the business.

The motion passed unanimously.

Councilmember Bartholomew then moved and Councilmember Myers seconded to adopt/approve Zoning Ordinance 2069. Passed 6-1 with Councilmember Pedersen against.

Councilmember Bartholomew then moved and Councilmember Myers seconded to adopt/approve the Licensing and Regulatory Ordinance 2070 regarding adult entertainment, including the change where the Hearing Examiner is the hearing officer for appeals and not the City Clerk. The motion passed 5-2 with Councilmembers Pedersen and Leighan against.

ORDINANCES & RESOLUTIONS:

1. **Ordinance 2071 approved, amending 1995 Budget & Providing for the increase of Certain Expenditure Items as Budgeted for in 1995.**

Councilmember Leighan moved and Councilmember Myers seconded adoption of Ordinance 2071. Passed unanimously.

2. **Ordinance 2072 approved, adopting Comprehensive Pretreatment Ordinance & Establishing General Provisions & Requirements, Wastewater Discharge Authorization Requirements, Reporting, Sampling and Analytical Requirements, Compliance Monitoring, Confidential Information, Administrative Enforcement Remedies, Judicial Enforcement Remedies, Supplemental Enforcement Action, Affirmative Defenses, and Miscellaneous.**

Councilmember Bartholomew moved and Councilmember Wright seconded adoption of Ordinance 2072. Passed unanimously.

3. **Resolution 1789 approved, granting util. var. Gary Ball/John Robinett for property at 2988-188th St. NE, Arlington.**

Councilmember Myers moved and Councilmember Wright seconded adoption of Resolution 1789. Passed 6-1 with Councilmember Leighan against.

4. **Resolution 1790 approved, granting util. var. for J & D Bldrs. for property at 100th St. & 67th Av. NE, Marysville.**

Councilmember Baxter moved and Councilmember Wright seconded to adopt Resolution 1790. Passed unanimously.

5. **Resolution 1791 approved, denying util. var. for Khanh Lam property at 16820 Smokey Pt. Blvd., Arlington.**

Councilmember Leighan moved and Councilmember Baxter seconded to approve/adopt Resolution 1791. Passed unanimously.

6. Resolution 1792 approved, denying util. var. for Johnson Prop. for property located at 35th Av. NE & SR 531, Arlington.

Councilmember Baxter moved and Councilmember Bartholomew seconded to adopt Resolution 1792. Passed unanimously.

7. Resolution 1793 approved, denying util. var. for Chase Development for property at 172nd St. NE immed. east of Gateway Shopping Center, Arlington.

Councilmember Baxter moved and Councilmember Myers seconded to adopt Resolution 1793. Passed unanimously.

LEGAL MATTERS:

1. WSDOT Contract to install 24" Storm Sewer Pipe along SR 528.

Councilmember Baxter moved and Councilmember Herman seconded to authorize the Mayor to sign the contract with WSDOT as recommended by Public Works Staff. Passed unanimously.

ADJOURNMENT: 9:55 p.m.

EXECUTIVE SESSION: 10:07 to 10:22 p.m.

1. Litigation. No Action

RECONVENE: Brief discussion on volunteer dinner with no action.

ADJOURNMENT: 10:23 p.m.

Accepted this 23rd day of April, 1996.

David Waser
MAYOR

Mary Swenson
CITY CLERK

Standa A. Swenson
RECORDING SECRETARY