

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

AUGUST 26, 1996

00370

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All present

CORRECTED: SEE 9/3/96
MINUTESMINUTES OF PREVIOUS MEETINGS:8/1/96 Workshop & 8/5/96
CC Meeting Mins. ApprovedAUDIENCE PARTICIPATION:Misty Dempsey, John McCoy
of Tulalip TribesCONSENT AGENDA:

Approved:

1. Approval of 8/26/96 Claims in the amount of \$384,820.62; paid by check nos. 30397 through 30577 with check nos. 29932 and 30122 and 30325 void.
2. Approval of July, 1996 Payroll in the amount of \$619,133.02; paid by check nos. 22536 through 22592.
3. Approval of Liquor License Renewals for Fanny's Restaurant & Safeway Store #469 & New Liquor License Applications for LaHacienda #4 and Pinatas Mexican Restaurant.
4. Affirm Hearing Examiner's Recommendation to Approve Prel. Plat, Shoreline Substantial Development Permit & Street Variance, HDK Industrial Park; PA 9211053.
5. Affirm Hearing Examiner's Recommendation to Approve the Prel. Plat, Shoreline Substantial Development Permit & Street Variance, Anderson Industrial Park; PA 9211052.
6. Approval of One Year Utility Variance Extension; Boyden, Robinett & Assoc., Inc.
7. Affirm Hearing Examiner's Recommendation to Approve, with Conditions, the Conditional Use Permit to Construct One Duplex on a Single Family, Medium Density 9600 Lot; Ron Allen; PA 9605023.
8. Affirm Hearing Examiner's Recommendation to Approve, with Conditions, the Conditional Use Permit to Allow an Above Ground Floor Apartment Above a Proposed Commercial Use; Jack & Mitzi Bartlett; PA 9606031.
9. Affirm Hearing Examiner's Recommendation to Approve, Subject to Conditions, the Conditional Use Permit to Construct One Duplex on a Single Family, High Density 7200 Lot; Kip Goozee Const.; PA 9605025.

STAFF'S BUSINESS:MAYOR'S BUSINESS:CALL ON COUNCILMEMBERS:CURRENT BUSINESS:

1. Mixed Use Code. Cont. to Sept. 3, 1996

NEW BUSINESS:

1. Util. Variance for Buena Vista Heights; 208th St. NE & 59th Dr. NE; UV 96-023. Denied
2. Util. Var. Stillaguamish Sr. Center; 18308 Smokey Pt. Blvd.; UV 96-021. Approved
3. Util. Var. Msvl. School Dist.; 2415 74th St. NE; UV 96-022. Approved
4. Var. for Belmark Industries; Aubury's First Addition, Lots 16-19; 51st Av. & 75th Pl. NE; UV 96-018. Remanded to RUSA Committee & then to be brought back to Council 9/23/96

ORDINANCES & RESOLUTIONS:

1. Res. 1815 Approved regarding City of Marysville Flexible Benefits Plan.

ADJOURNMENT INTO EXECUTIVE SESSION:

9:37 p.m.

1. Litigation

No Action

RECONVENED & ADJOURNED:

Approx. 10:45 p.m.

MARYSVILLE CITY COUNCIL MEETING

00271

AUGUST 26, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor

Councilmembers:

Donna Wright, Mayor Pro Tem (8:04 p.m.)

Donna Pedersen

John Myers

Ken Baxter

Mike Leighan

Otto Herman

Shirley Bartholomew

Administrative Staff:

Steve Wilson, Finance Director

Mary Swenson, Asst. to City Administrator

Grant Weed, City Attorney

Gloria Hirashima, City Planner

Charlene Bye, Personnel Director

Doug Buell, Community Information Officer

Ken Winckler, Public Works Director

Wanda Iverson, Recording Secretary

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 Leighan moved and Councilmember Herman seconded to approve the Council Workshop Minutes of 8/1/96 as written. Passed unanimously.

CORRECTED: SEE
MINUTES SB 8/12/96

Councilmember Persen moved and Councilmember Myers seconded to approve the 8/5/96 minutes as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Misty Dempsey, 1350 Cedar Av. #D5, addressed Council. She was in a wheelchair and explained she has now lived in Marysville almost 2 months and is very concerned about the lack of handicap access with the City's midblock crosswalks. She said she can't get her power chair over the curbs.

Mayor Weiser explained for safety reasons, the City does not have handicap accessible midblock crosswalks and unfortunately, on Cedar, there is quite a distance between intersections where there are handicap accessible crosswalks.

Ms. Dempsey explained that all crosswalks in her mind should be handicap accessible but she just can't get down a 4-5" curb which is the situation wherever there is a midblock crosswalk, from the north end to the south end of town. She's not just concerned about Cedar.

Mayor Weiser said this issue can be brought up at the next Traffic Safety Committee Meeting for reconsideration.

Councilmember Pedersen commented that she would like to see all crosswalks handicap accessible but at least have Cedar made accessible for Ms. Dempsey, or at least that would be a good place to start.

Public Works Director Winckler added that all intersections have wheelchair ramps in the sidewalks as well as the City requiring all new construction be handicap accessible. He said they have a plan also to do \$10,000 worth of curb modification every year and they will try to make Cedar a priority, however midblock has not been their priority up to now. He said they can take it to the Traffic Safety Committee and bring the issue back to Council.

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John McCoy, Director of Government Affairs for the Tulalip Tribes, 6700 Totem Beach Road, addressed Council and presented a check for over \$124,000 to the Mayor out of their Class III Gaming Revenue Funds. He explained these funds are to help various agencies such as the Snohomish County Sheriff's Dept., Fire/EMT and Marysville Police Dept. mitigate impact caused by the entertainment center.

CONSENT AGENDA:

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Councilmember Bartholomew moved and Councilmember Myers seconded to approve Items 1 through 9. Passed with Councilmember Leighan abstaining from voting on Voucher #30566 under Item #1 and Councilmember Baxter abstaining from voting on Voucher #30493 under Item #1. Also, Mayor Weiser noted he would not be signing Voucher #30417.

STAFF BUSINESS:

Asst. to the City Administrator Swenson announced the City now has a home page on the Internet. She also mentioned she has tickets available to the presentation by Dr. Stephen Glen Wednesday from 7-9 p.m. if anyone is interested.

Public Works Director reviewed two change orders for the Reservoir and 1994-95 Water Project with regard to telemetry, change in the pressure system for fire flow, chlorine detection alarms, key switches, etc. He said the total telemetry changes have amounted to just over \$69,000 from the original contract. He reviewed construction schedules for

LID 64 - to go to bid opening this week, construction in 1 month

State Avenue 88th to 84th - to go to ad Oct-Nov., const. to start in April

Beach Av. to go to ad Oct-Nov., utilities to be relocated during the winter, construction in the spring

LID 65 - 84th - Walk through this Thursday

State 109th to 116th almost completed

100th St. water line - hope to have this safe by the time school starts, to be paved tomorrow, have to remove raised pavement markers for safety of bicycles and motorcycles according to DOT.

MAYOR'S BUSINESS:

Mayor Weiser thanked staff for all their efforts involved in the City Hall Open House last Thursday, 8/22/96. He said he thought it went very well.

CALL ON COUNCILMEMBERS:

Councilmember Leighan presented architectural conceptual drawings of the old City Hall. He stated the senior center is still interested in locating in this building but there probably needs to be a meeting with some user groups to consider their needs, etc. He reported the Parks Board moved to remove the Mary Comford wall from the park for safekeeping and the thought is that eventually it can be put up again in the old City Hall after it is restored.

After considerable discussion, it was decided to have a Council Workshop Sept. 16 at 7 p.m. at the Public Safety Building regarding use of the old City Hall.

Councilmember Leighan asked about reestablishment of the Arts Commission and there was discussion. It was decided to bring this back as an agenda item and also to try and get some publicity on this so we can get some input from the community.

Councilmember Baxter asked about resurveying the fence/property line on the south side of the golf course and Public Works Director Winckler said he would follow up on this.

Councilmember Baxter gave an update of the status of the golf course renovation project. Finance Director Wilson added that there may be some small change orders/budget amendments.

Public Works Director Winckler said yes, there were some changes with regard to the interceptor trenches and a rockery that need to be installed but the fish ladder section has been removed from the golf course renovation project, so these things will probably even each other out and end up in very little total monetary changes.

Councilmember Baxter reported truckers are having a lot of problems turning at the intersection of State & 116th. Public Works Director Winckler said he would follow up on this.

Councilmember Baxter noted he didn't get his Ground Water Advisory Committee meeting notice in time to attend Friday's meeting.

Councilmember Myers asked about the utility trench at 67th & 84th at the stop sign and Public Works Director Winckler said it is planned to fill that in as part of the 67th/Golf Course project.

Councilmember Bartholomew asked if the new striping paint is working out okay and Public Works Director Winckler said it is working well, with a shorter clean up time, also.

Councilmember Bartholomew noted 4th & State has a similar turning problem for trucks as State & 116th and Public Works Director Winckler said he would follow up on this with the State.

Councilmember Herman asked about a follow up on visibility of trucks and trailers parked after dark on City streets, for example, getting some trucking industry standards instigated and/or enforced.

There was discussion about orange cones, bringing this back as an agenda item.

Councilmember Herman asked about the park & ride at 4th & Ash and other possible park & ride/parking sites for trucks and trailers, parallel vs angle parking, CT commuter parking, DOT property.

After considerable discussion about where commuters are to park in Marysville, and a suggestion that there be something done for them, it was decided to do a survey of who is parking where and get the Downtown Merchants, CT, some City Councilmembers and commuters together for a meeting. It was also suggested Welco be invited as they may have some property that can be used for commuter parking.

CURRENT BUSINESS:

1. Mixed Use Code.

It was decided to continue this to Sept. 3, 1996 as Councilmember Wright specifically wanted to be involved in the discussion and she was absent from tonight's meeting.

NEW BUSINESS:

1. Utility Variance for Buena Vista Heights; 208th St. NE & 59th Dr. NE; UV 96-023.

Public Works Director Winckler reviewed the agenda bill, noting the RUSA Committee and staff are recommending denial of the request as the applicant is unable to comply with the City of Marysville Municipal Code by filing an annexation covenant. Also, the City of Arlington is the utility service provider for the applicant's property.

Councilmember Wright arrived at 8:04 p.m.

CORRECTED: SEE 913196
MINUTES SB "HEGGE"

After brief discussion, Dave Ostergard, Ostergard & Robinson, 3630 Colby, Everett, addressed Council. He stated he has met with Ken Winckler and Pam Henke of the City of Marysville and the applicant would like to get utilities from Arlington. He produced some maps, showing an easement for the 18" transmission line and said they would be willing to pay all necessary fees, etc., but there are some problems with getting water from Arlington. He said they have tried to work with Arlington but would like an option from Marysville in the event they can't get this to work out with Arlington. He showed a map of the transmission lines and noted there is a 6" Arlington water line which goes to Cemetery Road, it goes over a creek and they would have to go through two different properties; Marysville's line would be much more convenient, even considering turbidity, concerns about going across a creek, through wetlands, working with land owners for easements, a routing system which is not preferred.

Councilmember Baxter asked about building a reservoir or standpipe and Mr. Ostergard said that might be part of the solution for low pressure, etc. They would have to follow state standards in the event of a pump outage, etc., he said and he explained that Arlington Airport has been on the same system for a number of years.

Councilmember Baxter explained Marysville's responsibility for providing the water and the fact that there needs to be a standpipe to provide water flow and pressure in the event of a power outage.

Mr. Ostergard said if that's the issue, he would like the opportunity to do the research to show Marysville Council what they can do; they just want to have the option of Marysville water vs Arlington water, he said.

Councilmember Bartholomew asked about annexation covenant requirements when they are within the City of Arlington and Mr. Ostergard said that's why they feel they are here tonight, asking for a variance.

City Attorney Weed noted this property could not be annexed into Marysville and this is a requirement under the RUSA Code for providing water to the applicant.

00275

Councilmember Pedersen noted the property is also outside the RUSA boundary and that it is not impossible for Arlington to provide water to the applicant.

Councilmember Herman said he agrees with Councilmember Pedersen and that perhaps Marysville needs to discuss this issue with Arlington.

Mr. Ostergard said they were hoping to be served by the City of Arlington and they are not willing to write a letter saying they can or can't provide water as yet. He said they had discussions with them and Arlington is aware of these concerns. He added he's well aware of Marysville's code and position but part of the applicant's concerns are getting the easements on property outside of Marysville and Arlington city limits. He added that he thinks Arlington is waiting to see if the applicant can get these easements and then Arlington would probably provide water. He said he thinks Marysville is open to providing water if Arlington denies their request and he also recognizes there are differences between the two cities. He noted the applicant is using Arlington's sewer system.

CORRECTED: SEE 9/13/96 MINUTES "Arlington is not"

Councilmember Baxter moved to deny the variance request as per the RUSA Committee and staff recommendation. Councilmember Bartholomew seconded and the motion passed unanimously.

2. Utility Variance for Stillaguamish Senior Center; 18308 Smokey Pt. Blvd.; UV 96-021.

Councilmember Herman stepped down as he is on the Stillaguamish Sr. Center board but noted there was a recent court decision with regard to a similar situation concerning the Neutral Zone.

City Attorney Weed said the court ruled that even if a Councilmember is a board member, there would be no personal gain. With a utility variance there could be some reason for a Councilmember to step down if they feel uncomfortable, he said.

Public Works Director Winckler reviewed the agenda bill and noted Staff and the RUSA Committee recommend approval of the utility variance.

There was discussion about the applicant being within Arlington's UGB but the applicant did not sign the Arlington annexation petition.

Councilmember Baxter moved and Councilmember Myers seconded to approve the utility variance, contingent upon the applicant meeting the MMC. Motion passed 6-0. (Councilmember Herman then returned to Council Chambers.)

3. Utility Variance for Marysville School District #25; 2415 74th St. NE; UV 96-022.

Public Works Director Winckler reviewed the agenda bill, noting the RUSA Committee and staff recommend approval and that this is the same property that was granted a variance previously. It was noted there is a requirement that the applicant get a letter from the Tulalip Tribes.

City Attorney Weed referred to the previous findings of fact with regard to overcrowding and need for another school, that the School District is a public entity, etc.

Brian Reece, representing Marysville School District, 4220 80th St. NE, addressed Council and said yes, the need is even greater now than it was 3 years ago when the previous variance was approved for this property. He said they wanted funding from the State but kindergarten enrollment went down and that affected their funding from the State. He said they now have 92 portables in the District which is equal to two schools.

Councilmember Baxter asked about permanent service, dependent on future service by Tulalip Tribes and Mr. Reece said he is not sure if the Tribes are intending to take over the west side utilities.

City Attorney Weed stated the question is whether the Marysville School District feels comfortable with the transition if the Tulalip Tribes take over the utilities.

Public Works Director Winckler referred to a letter in the packets from the school district agreeing to be served by the Tulalip Tribes when water becomes available from them.

Mr. Reece stated they would like to start building this school next month; they have funding and hope to go to bid 9/10/96. Also, he said they are worried if they don't build the school this year, they will lose funding.

Councilmember Baxter moved and Councilmember Bartholomew seconded to grant the utility variance based on findings of fact that this represents an emergency, this is a public building, there is an even higher level of need for the school than before, plus information in Resolution 1559 and the fact that the school district could lose funding if the school is not built this year.

The motion passed unanimously.

4. Variance for Belmark Industries; Aubury's First Addition, Lots 16-19; 51st Av. & 75th Pl. NE; UV 96-018.

Mayor Weiser stepped down.

Public Works Director Winckler reviewed the agenda bill, noting staff is recommending approval of the variance. He explained the maps in the packets and said the applicant would be required to participate in any future trunk extension in 51st Av. NE and meet frontage requirements on 75th Pl. NE at that time.

Councilmember Herman asked if this agreement would run with the property and City Attorney Weed said he would recommend that.

Councilmember Pedersen asked about Lot 16 being a substandard lot.

Aaron Metcalf, Belmark Industries, 505 Cedar, addressed Council. He said the hookup is not going to occur now on Lot 16 for a sewer extension as Mr. Olson is going to use this lot as a driveway access. Also, he said Belmark has no problem with putting this agreement on a deed to go with the property. He added this utility variance would serve Lots 17-18-19; Mr. Olson still owns Lot 16.

It was noted that Lot 16 needs to be considered separately from this request.

Mr. Metcalf explained about the existing stubs and Councilmember Pedersen said she wanted to make it clear that Council is not including Lot 16 under this variance.

There was considerable discussion back and forth about this being a temporary connection, sewer line to be put in 51st at a later date (anywhere from 5 to 35 years from now), an existing house on Lot 21 also needing sewer service, Lots 20-21-22 needing sewer service also which will also trigger a variance regarding the frontage, discussion about the confusing nature of the variance request, creating a permanent line on 51st now.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to send this back to the RUSA Committee, who will be meeting 9/12/96 and then to bring it back to Council after that, with the above issues to be clarified. The motion passed 4-2 with Councilmembers Baxter and Herman against.