

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

MAY 26, 1998

00100

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

All Present

MINUTES OF PREVIOUS MEETINGS:

- |                                     |          |
|-------------------------------------|----------|
| 1. City Council Retreat; 3/27-28/98 | Approved |
| 2. City Council Meeting; 5/11/98    | Approved |

AUDIENCE PARTICIPATION:Larry Skay, Alicia Pool,  
Pierre BurkhartCONSENT AGENDA:

Approved:

1. Approval of 5/26/98 Claims in the amount of \$473,796.04; paid by check nos. 39402 through 39601 with check nos. 39302 and 39348 void.
2. Approval of Liquor License Renewals for AM/PM Mini Mart #5566; Don's Restaurant; Kuhnle's Tavern; Maxi's Restaurant; and LaHacienda #4.
3. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone with Conditions; Anna Majors; PA 9801011.
4. Acceptance of Edward Springs Flow Diversion Project as Complete and Begin 45 Day Lien Filing Period.
5. Approval of Cedarcrest Greens Model Home Request; Belmark Industries; PA 9706020.
6. ASCENT 21; Information Only.
7. Approval of Amendment to Interlocal Agreement Governing Disbursement of Telephone Access Excise Tax and Provision of C.A.D. Capability.

STAFF'S BUSINESS:

1. Strawberry Fields Report; Boyar Associates & Jim Ballew.

MAYOR'S BUSINESS:

- |   |  |
|---|--|
| 1. Historical Museum/Cultural Center                | - Task Force to be formed<br>Budget of \$30,000 to come<br>from Growth Management<br>Funds |
| 2. Councilmember Myers' resignation/<br>replacement | Special Meeting June 29 to<br>select replacement; swear-<br>ing in July 1                  |

CALL ON COUNCILMEMBERS:PUBLIC HEARINGS:

- |   |  |
|---|--|
| 1. Proposed Comprehensive Stormwater<br>Management Plan (cont.from 5/11/98) | Staff directed to draft<br>ordinance for next Council<br>meeting |
|---|--|

REVIEW BIDS:

- |   |   |
|---|---|
| 1. 28,000 GVWR Truck w/mounted Hot<br>Asphalt Machine | Bid awarded to Western<br>Power & Equip-\$47,241.00 |
|---|---|

NEW BUSINESS:

- |  |                          |
|--|--------------------------|
| 1. Util. Var. Wm. M. Cross, Sr.;<br>11825 44th Ave. NE; UV 98-013. | Denied without prejudice |
| 2. Util. Var. Donald & Norma<br>Thompson; UV 98-012.               | Approved                 |

ORDINANCES & RESOLUTIONS:

1. Ordinance 2194 Approved Amending MMC 6.57.010 by Incorporating RCW 70.155.080 Relating to Purchase & Possession of Cigarettes or Tobacco Products.
2. Ordinance 2195 Approved Affirming Hearing Examiner Decision, Approving Rezone and Variances for Property Located North of Grove Street, South of 80th St. NE and East of 60th Dr. NE; Amending the Official Zoning Map Previously Adopted in Ord. 772, and Denying Appeal of Suzanne Smith - Habitats NW-Quad.
3. Ordinance 2196 Approved Affirming Hearing Examiner Decision, Approving Rezone and Variances for Property Located North of Grove St., West of 59th Dr. NE and East of 53rd Ave. NE at 5615 and 5616 Grove St.; Amending Official Zoning Map Previously Adopted in Ord. 772 and Denying Appeal of Suzanne Smith - Habitats NW-Quad.
4. Resolution 1886 Approved Requesting Interagency Committee for Outdoor Recreation (IAC) Application.
5. Resolution 1887 Approved Granting Utility Variance for 3WT, Inc. for Property Located at 18001-27th Ave. NE, Marysville.

CORRECTED: SEE  
6/1/98  
MINUTES

6. Resolution 1888 Approved Affirming and Amending the Decision of the Hearing Examiner and Authorizing Execution of an Amendment to a Concomitant Rezone Agreement Dated May 4, 1987 for Carol Kapua.

LEGAL MATTERS:

1. Recovery Contract 207 Approved for Recovery of Utility Construction Costs for Water; Jess A. Darling.
2. Recovery Contract 208 Approved for Recovery of Utility Construction Costs for Sewer; Jess A. Darling.

ADJOURNED:

10:09 p.m.

EXECUTIVE SESSION:

1. Personnel
2. Litigation

10:17 to 10:37 p.m.  
Action - See Minutes  
No Action

RECONVENED & ADJOURNED:

10:38 p.m.

## MARYSVILLE CITY COUNCIL MEETING

MAY 26, 1998

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Wright, Mayor Pro Tem (7:05 p.m.)  
 Donna Pedersen  
 John Myers  
 NormaJean Dierck  
 Mike Leighan  
 Otto Herman  
 Shirley Bartholomew  
Administrative Staff:  
 Dave Zabell, City Administrator  
 Grant Weed, City Attorney  
 Gloria Hirashima, City Planner  
 Ken Winckler, Public Works Director  
 Bob Carden, Police Chief  
 Jim Ballew, Parks & Recreation Director  
 Wanda Iverson, Recording Secretary

CORRECTED: SEE	6/1/98
MINUTES	

CALL TO ORDER:

Mayor Weiser called the City Council Meeting to order at 7:00 p.m. and led us in the flag salute.

ROLL CALL:

City Administrator Zabell called the roll with all members present/absent as indicated above.

MINUTES OF PREVIOUS MEETINGS:**1. Council Retreat 3/27-28/98 Minutes.**

Councilmember Leighan moved and Councilmember Dierck seconded to approve the minutes as written. Passed unanimously.

**2. City Council Meeting; May 11, 1998.**

Councilmember Herman noted at the top of page 6, the city named should be Lynden not Lynnwood.

There being no further corrections, Councilmember Leighan moved and Councilmember Myers seconded to approve the 5/11/98 minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Larry Skay, 1350 Cedar #E-4, addressed Council (with Alicia Pool). He presented petitions signed by 599 people, over half of which are students, requesting a sidewalk be installed along Sunnyside Blvd. He said they had only been gathering signatures since May 5 and he presented the petitions to the Mayor.

Pierre Burkhart, 7234 47th Ave. #20, addressed Council. He said he has a concern about buffer zones along streams and wasn't sure if this was going to be addressed under the Stormwater Management Plan item later on tonight.

Mayor Weiser said the Endangered Species Act may be discussed under the Stormwater Management Plan item.

Mr. Burkhart said he just wants to talk about the size of buffers and wanted to bring up the issue of developing near buffers. He asked who makes sure the developers stay within the guidelines of the City, whether they are a neutral party, not someone hired by the developer.

Mayor Weiser said generally, when the building permit is applied for, that's when these issues are reviewed.

City Planner Hirashima stated the City is the enforcement agency; there are several classifications and it's the Planning Depart-

ment's responsibility to make sure these buffers are marked, generally erosion control fencing is required and if there is a problem, the Planning Dept. enforces the code.

Councilmember Dierck added that the City is currently working on updating the Sensitive Areas Ordinance; it's to go back to the Planning Commission.

Mr. Burkhart said he thinks this is an extremely important issue, to keep things as much in balance as possible with Marysville's growth right now, especially and he added that he doesn't think developers always have the interests of the community in mind.

Mayor Weiser confirmed Mr. Burkhart's address so he can be sent upcoming meeting notices concerning this issue.

CONSENT AGENDA:

1. **Approval of 5/26/98 Claims in the amount of \$473,796.04; paid by check nos. 39402 through 39601 with check nos. 39302 and 39348 void.**
2. **Approval of Liquor License Renewals for AM/PM Mini Mart #5566; Don's Restaurant; Kuhnle's Tavern; Maxi's Restaurant; and LaHacienda #4.**
3. **Affirm Hearing Examiner's Recommendation to Approve Request for Rezone with Conditions; Anna Majors; PA 9801011.**
4. **Acceptance of Edward Springs Flow Diversion Project as Complete and Begin 45 Day Lien Filing Period.**
5. **Approval of Cedarcrest Greens Model Home Request; Belmark Industries; PA 9706020.**
6. **ASCENT 21; Information Only.**
7. **Approval of Amendment to Interlocal Agreement Governing Disbursement of Telephone Access Excise Tax and Provision of C.A.D. Capability.**

Councilmember Myers moved and Councilmember Leighan seconded to approve Consent Agenda Items 1 through 5 and #7. Passed with Councilmember Leighan abstaining on check #39588 and Councilmember Dierck voting against Item #4.

Councilmember Bartholomew asked Chief Carden for an update on the new E-911 system (#7), to be presented at next meeting.

STAFF'S BUSINESS:

City Administrator Zabell handed out the latest ASCENT 21 information. He noted it is being proposed that there be five separate votes on transportation, parks, utilities issues.

Public Works Director Winckler reported the signal at 92nd & State has been working for 3 days now and they will be scheduling an official "turn on" very soon. He noted the traffic is actually being monitored by video cameras and he explained the intricacies involved with the video system.

He reported the City Engineer met with CT regarding the bus stop at the library; 60th Drive will be advertised tomorrow.

Next week, he reported Public Works will be doing consultant selection for State Ave., First to Grove.

**Strawberry Fields Report; Boyar Associates & Jim Ballew.**

Parks & Recreation Director Ballew referred to the CAD update handout, noting there is more parking than originally thought there would be and with no loss of field space. He said the Urban Growth Boundary "quest" is being continued this week with the county and hopefully a decision will be reached by Tuesday. He added that the Council approved roll over funds in the neighborhood of \$100,000 and the IAC fund application process will be started to supplement that. He also mentioned a couple other

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funding sources, such as those connected with the ASCENT 21 process. He introduced Mr. Boyar.

Henry Boyar, Landscape Architect, 6837 48th Ave. NE, Seattle, addressed Council. He referred to the 11x17 copies of the CAD architectural drawing, which he said takes into consideration the surveyor's topo report, soils, etc. and he itemized about 30 elements on the drawing, including a total of 1070 parking places for cars, 17 spaces for buses, 40 RVs. He said he has been in communication with the Dept. of Fisheries with regard to buffers and enhancement of the buffers, extension of the Centennial Trail, and potential nesting areas for birds. He said he will be meeting with the City Engineer soon with regard to grading and clearing and they will have a better idea at that point of the cost estimates.

Councilmember Pedersen asked where people sit and Mr. Boyar explained there was a private donation of bleachers and he showed where they would be placed. Also, he noted there will be earth-mounding/grass berms where people can sit and lay.

Councilmember Herman asked about stream crossings and Dept. of Fisheries' reaction. Mr. Boyar said these will be bottomless culverts and it was not an issue at all with Dept. of Fisheries.

MAYOR'S BUSINESS:

1) Mayor Weiser said he met with the Historical Society and the Rotary Club and discussed the Museum/Cultural Center issue with them, especially the possibility of locating it in the downtown area for revitalization purposes. He referred to his memo which had been handed out, in which he is recommending a task force be formed with funding of \$30,000 as well as recommendations for representation on the task force.

Councilmember Wright commented that she would like to see a broad base of businesses represented on the task force.

Councilmember Pedersen asked about the size of the task force, how long the process is going to take putting together a business plan, cost estimates, etc. and whether the historical society understands the possibility of not having anything built in 2 yrs.

Mayor Weiser said he had in mind 7 to 9 people on the task force. He met with the Noon Rotary and the historical society and they understand the reasoning on the time frame; no one really said anything about it.

There was discussion about the time frame, frustration with waiting that long but there may be an opportunity with regard to funding which can be part of the planning process, start budgeting now for soils analysis and other preliminary steps, how this project started with a storage facility for the historical society and now the discussion is about a convention center to be combined with a museum. As far as hiring a consultant, it was noted that would probably depend on what the task force decides. It was also noted that this could be a revitalization for the downtown area.

Councilmember Wright asked where the \$30,000 would come from and Mayor Weiser said Growth Management Funds could be used. Another option proposed was a bond issue but there was strong objection to funding something that was not tangible and also, that it would probably not do too much toward improving the City's image. It was also noted that a museum/cultural/community center could be tied in with an Economic Development Plan for Marysville, eg. a Business Park.

Sim Wilson, 312 Priest Point Dr. NW, addressed Council. He said they all appreciate the consideration City Council is giving this; the Historical Society has been working on this for a long time and are very happy that they have come this far. He agreed that

the project seems to be getting bigger and bigger but part of that is to help out the City with economic development. Also, he said they realize this will take some time to thoroughly plan and to look at the whole picture as far as where the funding should come from.

Mayor Weiser said he knows this project has taken on a life of its own, the envelope has been expanded and shrunk and maybe downtown is not the best location for it, but in the meantime, the historical society is making a tremendous effort to keep the Gehl Home open at Jennings Park and that is much appreciated.

After further discussion, Councilmember Pedersen moved and Councilmember Dierck seconded to form the task force as outlined, providing up to \$30,000 out of the Growth Management Fund from this year's budget and for City Council to decide which two members from the Council should represent Council on the task force. The motion passed 6-1 with Councilmember Myers against.

Councilmembers Pedersen and Herman were nominated to serve on the task force as representatives of the City Council. Passed unanimously.

Councilmember Myers said his only concern, and the reason he voted against the first motion, was with the budget item.

2) Mayor Weiser reported that he attended the two day symposium last week in Mount Vernon, called "Salmon in the City" and said speakers' abstracts will be copied for the Council to review.

3) Mayor Weiser announced that two Marysville projects, State Avenue and 64th St. between 67th & 83rd have been awarded grant money, thanks mainly to the presentations done by City Engineer Carter. The design work will mainly be done in 1999 and construction to be done in 1999 and 2000. He noted the State Avenue project includes 116th to 136th, 100th to 116th, First to Grove and the light at First & State.

4) Sandy from the Tulalip Tribes called today to invite City Councilmembers and their spouses to entertainment by Chubby Checker at the Tulalip Entertainment Center tomorrow night.

5) Councilmember Myers is resigning as of 6/30/98 and Mayor Weiser said there were several things that needed to be decided regarding replacement of a Councilmember. There was considerable discussion, reviewing one year residency eligibility requirement of candidates, PDC requirement for replacement candidate, giving Council time to review letter of interest and resume, as well as time to ask informal questions.

Councilmember Bartholomew moved and Councilmember Pedersen seconded to call a special meeting 6/29/98. Deadline for letters of interest and resumes to be received at City Hall would be 5 p.m., 6/22/98 and all those interested must have at least one year residency as of 7/1/98. Formal and informal interviews would then take place at the 6/29/98 Special Council Meeting with final selection that night also and swearing in would be July 1, 1998. The person receiving final selection would have to fulfill the PDC requirement. The motion passed unanimously.

(It was the consensus that the one year residency requirement be codified.)

CALL ON COUNCILMEMBERS:

Councilmember Herman said with regard to the idea that he could run for election as the TIB/CT representative, he said he would be willing to but believes the incumbent will be seeking reelection.

Councilmember Leighan asked about overhead lines on Beach with yellow tape, that perhaps their being so low is causing problems.

Councilmember Leighan asked about the traffic light at Grove, if the timing has been changed and Public Works Director Winckler said the county has been working on the signal, yes.

Councilmember Bartholomew said she would like to see Public Works Director Winckler on the TIB and Public Works Director Winckler said the Public Works Dept. is going to support Owen Carter for that position. He added it's a two day a month trip and it is thought it will be a real positive for Marysville. Councilmember Bartholomew agreed and said she would like the City to support City Engineer Carter.

NEW BUSINESS:

**1. Utility Variance for William M. Cross, Sr.; 11825 44th Ave. NE, Marysville; UV 98-013.**

Public Works Director Winckler reviewed the agenda bill, noting Public Works was unable to notify the applicant of the recommendation to deny the request without prejudice. It was also noted the applicant was not in the audience at this time, but they can be notified of Council's decision by letter.

Councilmember Leighan moved and Councilmember Bartholomew seconded to deny the variance request without prejudice (for one year), UV 98-013 and also to advise them of the LID process and what "denying without prejudice" means. Passed unanimously.

**2. Utility Variance for Donald and Norma Thompson; UV 98-012.**

Public Works Director Winckler reviewed the agenda bill, noting Public Works staff and the Utilities Committee recommends approval providing the applicant pays all fees, participate in the installation of an 8" ductile iron water main fronting their west property line and meet all requirements of the MMC. It was noted they could pay fees now on a precalculated main charge or sign an agreement to pay when it's needed, he said.

Donald Thompson, 13711 58th Dr. NE, addressed Council. He said they were notified of the meeting tonight, they need the water, the line has already been put in (the meter base) and they have unsatisfactory water. As far as covering their frontage, he said they are agreeable to the \$4,000.

There was considerable discussion about the options of payment for Mr. Thompson and it was finally clarified that out of approx. \$6700, he would be able to defer the \$2832 frontage fee to a later date. Also, it was clarified that there would have to be an 8" water line put in vs the 2" line that's already in front of Mr. Thompson's house, depending on future demand to the north. Mr. Thompson understood and agreed.

Councilmember Pedersen moved to approve the utility variance as per the staff recommendation (as above) and Councilmember Leighan seconded. The motion passed unanimously.

PUBLIC HEARINGS:

**1. Proposed Comprehensive Stormwater Management Plan (continued from May 11, 1998).**

Larry Wade referred to Mike Papa's 10 page document and Hammond Collier Wade-Livingstone's response (in the packets). He said basically, there are three areas addressed: Mike Papa's personal concerns, the Muckleshoot Tribal concerns and Title 24 Stakeholders' concerns.

He said private maintenance is covered under the plan, with finances to cover maintenance, essentially construction/clearing and grading ordinance limitations. He reviewed "fixing past sins" and said basically this would be too costly, eg. with more

annexations, there will be more stormwater drainage problems just in converting from ditches to culverts. He spoke about pond sizes, variance standards, drainage basins and said for the most part, most of the concerns have been addressed.

There was discussion about erosion control (Everett's point system), discretion being used in the plan, generally larger grading and clearing projects are not attempted anyway in the rainy season and are generally prohibited under the proposed plan.

In discussing the pros and cons of dedication of open tracts, Councilmember Herman gave as an example three plats that intersect at his backyard and the one that's owned by the City is a good example of how it should be, with vegetation and stream enhancement, he said. The other two are not so good and if you go further north, there are some more parcels that are very poor and he said he would like to see the City own these open tracts, accepting the tracts so the City has control.

There was further discussion about how the Sensitive Areas Ordinance and the Stormwater Management Plan have overlapping areas such as appropriate vegetation, water quality protection, stream corridor enhancement and maintenance and how important this is to Marysville's future. Larry Wade said he would recommend a long term water quality monitoring program be included in the Stormwater Management Plan, so the City can see if there is any difference in two years, for example. He added that currently, everyone is suspecting siltation is increasing but there is no actual monitoring of water quality, pollutants, overgrown swales, trees, vegetation, other impacts.

Councilmember Herman said he would like to see the SAO/dedication issue brought back as a separate agenda item, for example filtration values.

City Planner Hirashima spoke about the improvements since the Sensitive Areas Ordinance has been out, including a section addressing dedications, which is at the discretion of City Council (whether or not the City should accept ownership). She said in all of the plats since the SAO came into effect, there has been no clearing and in some cases the City simply had to post signs regarding no grass clippings. She said this can be reviewed further with regard to common ownership.

There was further discussion about liability and maintenance cost issues, especially in the case of a lot of smaller dedications becoming the responsibility of the Parks Dept. to maintain. Councilmember Pedersen suggested the possibility of using Planning Dept. monies vs Parks Dept. monies for maintenance.

Councilmember Dierck brought up the subject of one time event planning versus a continuous event model, noting it would be more appropriate as well as more cost effective for us, she believed, to use the continuous event model, like they do in Snohomish County and King County.

Larry Wade explained the intricacies of what was formerly considered state of the art planning, a new Fortran computer program that has come out that has a very difficult learning curve, use of the HSPF simulation computer program soon in Snohomish County which Marysville could tie into. He said one advantage to using this model would be that it simulates a continuous event and would end up creating larger detention facilities.

Mike Papa, 8127 54th Dr. NE, addressed Council. He said he just wanted to emphasize a few points and he handed out an American Water Resources Association study from 1994. He said the consultant with the Stakeholders Group estimates it would cost \$50,000 to use the program Larry Wade was talking about. He noted the Growth Management Act requires the use of the best available

CORRECTED: SEE 6/1/98  
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science in developing policies and give special consideration to conservation and protection measures. He said there needs to be some language changes in the preamble of the Stormwater Management Plan because the minimum standards as adopted by the Puget Sound Water Quality Assn. will not save salmon. Also, the model does need to be changed to the continuous model, he said. If sizing is not increased to double DOE standards, you can expect more degradation of streams, especially on the hillside, he said. He noted the county has used an HSPF model and he thinks Marysville should also. He demonstrated a live model of what happens with a single event vs a continuous event.

He noted that the more you protect the buffers the less detention you will have to build. In attending the "Salmon in the City" conference, he said he basically came away with the thought that Marysville should adopt the Comprehensive Stormwater Management Plan now but don't take six years to amend it; you can't stop growth so you need to keep up with it.

He asked, "Who are we doing all this for?" He said he feels we are doing it for people who depend on fishing for a living, doing it for the people who care enough to clean up the creeks and plant vegetation, doing it for the future of Marysville.

He explained in some detail the complexity of the computer programs after being asked by Councilmember Pedersen.

There was no one further wishing to address this matter from the audience and so the public testimony portion of the Public Hearing was closed at 9:47 p.m.

There was discussion about adoption of the plan as soon as possible, piggy backing onto the county's computer program in 30 days, discussion about reviewing the Sensitive Areas Ordinance, staff to come up with a water quality monitoring plan, information about the HSPF program.

Councilmember Herman moved and Councilmember Bartholomew seconded to direct the City Attorney to bring back a Comprehensive Stormwater Management Plan ordinance to next Council meeting including the following five elements:

- Comprehensive Stormwater Management Plan
- Drainage Design Standards
- 1998-2003 Six Year Surface Water Management
- Revised Chapter 14.15, 14.16 and 14.17 of the MMC
- Ordinance adopting regulations (relating to revised Code).

The motion passed unanimously.

REVIEW BIDS:

**1. 28,000 GVWR Truck with Mounted Hot Asphalt Machine.**

Public Works Director Winckler reviewed the agenda bill, noting the recommendation is to accept the Western Power and Equipment bid in the amount of \$47,241 including sales tax. He said the crew has actually been using this piece of equipment and it's very efficient for hot patching which is far superior to cold patches. The truck has new tires, hoses, very good value, \$53,000 was budgeted, he said. He noted a brand new unit would have been \$75,000; this was the only bid received.

Councilmember Myers asked what the life expectancy is of the hot box and Public Works Director Winckler said 20 years (it is a 1995 model year).

Councilmember Herman asked about the condition of the equipment.

Charlie Anderson, City Mechanic, said it appears to be in very good shape. He explained that they are not going to be putting

that many miles on the truck so it should last another 15 years. Also, the equipment can be transferred to another truck. It's propane and electrically heated and would mean less wasted black top material at the end of the day as well as the advantage of not having to move a heavy, hot box off and on a truck, he said.

Councilmember Myers moved and Councilmember Pedersen seconded to accept the bid from Western Power and Equipment in the amount of \$47,241 including sales tax, as recommended. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Ordinance Amending MMC 6.57.010 by Incorporating RCW 70.155.080 Relating to Purchase & Possession of Cigarettes or Tobacco Products.**

Police Chief Carden commented about enforcement regarding possession of tobacco products. He said he will be meeting with Snohomish County on this for some ideas. With this ordinance in place, they can stop kids and inform them of the law, at least, he said.

City Attorney Weed commented on the current statute, extension of that regarding purchasing of tobacco products. He noted there have been no challenges to the current statute which is 5 years old now.

Councilmember Wright moved and Councilmember Bartholomew seconded to adopt Ordinance 2194. Passed unanimously.

2. **Ordinance Affirming Hearing Examiner Decision, Approving Rezone and Variances for Property Located North of Grove Street, South of 80th St. NE and East of 60th Dr. NE; Amending the Official Zoning Map Previously Adopted in Ord. 772, and Denying Appeal of Suzanne Smith - Habitats NW-Quad.**

Councilmember Bartholomew moved and Councilmember Pedersen seconded to adopt Ordinance 2195. Passed 5-2 with Councilmembers Dierck and Myers against.

3. **Ordinance Affirming Hearing Examiner Decision, Approving Rezone and Variances for Property Located North of Grove St., West of 59th Dr. NE and East of 53rd Ave. NE at 5615 and 5616 Grove St.; Amending Official Zoning Map Previously Adopted in Ord. 772 and Denying Appeal of Suzanne Smith-Habitats NW-Quad.**

Councilmember Bartholomew moved and Councilmember Leighan seconded to adopt Ordinance 2196. Passed 4-3 with Councilmembers Dierck and Myers against and Councilmember Pedersen abstaining.

4. **Resolution Requesting Interagency Committee for Outdoor Recreation (IAC) Application.**

Councilmember Myers moved and Councilmember Bartholomew seconded to adopt Resolution 1886. Passed unanimously.

5. **Resolution Granting Utility Variance for 3WT, Inc. for Property Located at 18001-27th Ave. NE, Marysville.**

Councilmember Bartholomew moved and Councilmember Wright seconded to adopt Resolution 1887. Passed 6-1 with Councilmember Pedersen against.

6. **Resolution Affirming and Amending the Decision of the Hearing Examiner and Authorizing Execution of an Amendment to a Concomitant Rezone Agreement Dated May 4, 1987 for Carol Kapua.**

Councilmember Pedersen moved and Councilmember Herman seconded to adopt Resolution 1888. Passed 5-2 with Councilmember Dierck against and Councilmember Leighan abstaining.

LEGAL MATTERS:

**1. Recovery Contract for Recovery of Utility Construction Costs for Water; Jess A. Darling.**

Councilmember Herman moved and Councilmember Wright seconded to adopt Recovery Contract No. 207. Passed unanimously.

**2. Recovery Contract for Recovery of Utility Construction Costs for Sewer; Jess A. Darling.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to adopt Recovery Contract No. 208. Passed unanimously.

ADJOURNMENT: 10:09 p.m.

EXECUTIVE SESSION: 10:17 to 10:37 p.m.

1. Personnel.
2. Litigation.

Action - See Below  
No Action.

RECONVENED: 10:37 p.m.

Councilmember Herman moved and Councilmember Bartholomew seconded to authorize the Mayor to enter into a Memorandum of Understanding with Gwendolyn Campbell regarding employment. Passed unanimously.

Councilmember Pedersen moved and Councilmember Myers seconded to authorize the Mayor to execute Police Labor Contract as discussed in Executive Session. Passed unanimously.

ADJOURNED: 10:38 p.m.

Accepted this 8<sup>th</sup> day of June, 1998.

David Weiss  
MAYOR

Mary Swenson  
CITY CLERK

Manda A. Swenson  
RECORDING SECRETARY