

April 25, 2005

Marysville City Council
7:00 p.m.

ORIGINAL
000132 City Hall

Call to Order/Invocation/Pledge of Allegiance/Roll Call	6:00 P.M.
Roll Call	
Approve of Minutes	
Approval of April 11, 2005 City Council Meeting Minutes.	Approved
Approval of April 18, 2005 City Council Work Session Minutes.	Approved
Approval of April 11, 2005 Joint City Council/Planning Commission Work Shop Minutes.	Approved
Consent Agenda	
Approval of April 6, 2005 Claims in the Amount of \$1,108,536.96; Paid by Check No. 21931 through 22088.	Approved
Approval of April 13, 2005 Claims in the Amount of \$239,971.38; Paid by Check No. 22089 through 22230 and Check No. 21994 Void.	Approved
Approval of April 20, 2005 Claims in the Amount of \$309,451.02; Paid by Check No. 22232 through 22385 with Check No. 22231 Issued as an EFT and Check No. 21052 and 22054 Voided.	Approved
Approval of April 20, 2005 Payroll in the Amount of \$503,565.87; Paid by Check No. 14264 through 14321.	Approved
Authorize Mayor to Sign Lease Agreement with Gary Goeman d.b.a. Marysville Farmers Market for Operations of the Market in Comeford Park May 7, 2005 through October 29, 2005.	Approved
Authorize Mayor to Sign Professional Services Agreement with Harris & Associates to Provide Construction Management Services for State Avenue (116 th Street NE – 136 th Street NE) Roadway Improvements Project.	Removed
Approval of the Expanded Boundary of the Smith Annexation; 10% Notice of Intent for Circulation of the 60% Petition, Subject to the City's Bonded Indebtedness, Comprehensive Plan and Zoning and Direct Staff to Have a Perimeter Legal Description Prepared for the Annexation Boundary; PA 05004.	Approved
Deny Orchid Lane Annexation; 10% Notice of Intent; and Waive the Requirement to Annex to Obtain City Water and Sewer; Subject to Property Owner(s) Recording an Annexation Covenant Prior to Issuance of Utility Availability Letter; PA 05006.	Approved
Affirm the Hearing Examiner's Recommendation to Approve the Rezone, Preliminary Plat, and Utilization of Density Incentives; Suncrest Ridge Rezone; PA 04029.	Approved
Review Bids	
Public Hearings	
Approval of a Street Vacation for a Portion of 36th Drive N.E.; PA 0306015.	Approved Ord. 2568
Approval of Planning Commission Recommendation to Approve Updates to Comprehensive Plan and Development Regulations.	Approved
Current Business	
New Business	
Approval of Re-submittal of 2005 Program Request to Purchase a Grader.	Approved

Marysville City Council

000133

April 25, 2005

7:00 p.m.

City Hall

	Ord. 2576
Legal	
Ordinances and Resolutions	
Approval of an Ordinance of the City of Marysville, Washington; Annexing and Zoning Certain Unincorporated Area, Known as the Houvener Annexation into the City of Marysville.	Approved Ord. 2577
Approval of an Ordinance of the City of Marysville Vacating a Portion of 36th Drive NE Located North of 116th Street NE and South of 120th Street NE in the City of Marysville.	Approved Ord. 2568
Approval of an Ordinance of the City of Marysville, Washington Setting Forth the Basis of the City's Compliance with the Growth Management Acts Required Review and Updating of the City's Comprehensive Plan and Development Regulations Under RCW 36.70A.130(4)(a), Identifying Revisions to the City's Comprehensive Plan and Development Regulations as Needed to Ensure Compliance with the GMA, Repealing the Comprehensive Plan Adopted in Ordinance 2068, and Adopting a New Comprehensive Plan, Sewer Comprehensive Plan, Transportation Plan, Parks & Recreation Plan, and School District Capital Facilities Plans.	Approved Ord. 2569
Approval of an Ordinance of the City of Marysville Amending the Official Zoning Map of the City and Providing for the Area-Wide Rezoning of Property within the City to Conform to the New Comprehensive Plan.	Approved Ord. 2570
Approval of an Ordinance of the City of Marysville, Washington, Complying with the Growth Management Act's Required Review and Updating of the City's Development Regulations by Amending the Sensitive Areas Management Ordinance, Renaming it the Critical Areas Management Ordinance, Adopting Findings of Fact, and Amending Chapters 19.06 and 19.24 of the Marysville Municipal Code.	Approved Ord. 2571
Approval of an Ordinance of the City of Marysville, Washington Amending the Zoning Code's Development Design Standards and Amending Chapter 19.14 of the Marysville Municipal Code.	Approved Ord. 2572
Approval of an Ordinance of the City of Marysville, Washington Updating the City's Traffic Impact Fee Regulations and Amending Title 18B of the Marysville Municipal Code.	Approved Ord. 2573
Approval of an Ordinance of the City of Marysville, Washington Establishing an Exemption from Traffic Impact Fees for Prescribed Development Activities and Amending MMC Title 18B Relating to Traffic Impact Fees and Mitigation.	Approved Ord. 2574
Approval of an Ordinance of the City of Marysville, Washington Amending the Zoning Code to Implement the Downtown Vision Plan and Related Policies in the Comprehensive Plan and Amending Chapters 19.02, 19.06, 19.08, 19.12, and 19.18 of the Marysville Municipal Code.	Approved Ord. 2575
Approval of an Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Wendall Redding Amending the Official Zoning Map of the City.	Approved Ord. 2578
Approval of an Ordinance of the City of Marysville Amending the 2005	Approved

Marysville City Council
7:00 p.m.

000134
City Hall

April 25, 2005

Budget and for the Increase of Certain Expenditure Items as Budgeted for in 2005 and Amending Ordinance No. 2543.	Ord. 2576
Approval of a Resolution of the City of Marysville Urging Voters to Consider the Importance of the Marysville School District Construction Bond Issue on the May 17, 2005 Ballot.	Approved Res. 2142
Information Items	
Mayor's Business	
Call on Councilmembers	
Excuse Absence of Councilmember Lee Phillips.	Approved
Adjournment	9:55 p.m.
Executive Session 1. Pending Litigation 2. Personnel	9:56 p.m. No Action Taken
Adjournment	10:05 p.m.

**JOINT MARYSVILLE CITY COUNCIL /
MARYSVILLE SCHOOL BOARD MEETING**

April 25, 2005

6:00 p.m.

Marysville City Hall

CALL TO ORDER/ INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Kendall called the meeting to order at 6:00 p.m. He then led those present in the Pledge of Allegiance. There was no invocation given.

ROLL CALL

Chief Administrative Officer Mary Swenson called the roll for the Marysville City Council. The following councilmembers and staff members were in attendance:

Mayor Dennis Kendall

Council: Mayor Pro Tem Jon Nehring, Jeff Seibert, John Soriano, Jeff Vaughan and Donna Wright.

Staff: Mary Swenson, Chief Administrative Officer, Sandy Langdon, Finance Director; Paul Roberts, Public Works Director; Robb Lamoureux, Police Commander and Laurie Hugdahl, Recording Secretary.

Mayor Kendall noted the absence of Councilmembers Lee Phillips and Lisa Vares. Dr. Larry Nyland then called the roll for the Marysville School Board. He indicated that Carol Jason was unable to attend. The following school board members were in attendance.

School Board: Dr. Larry Nyland, Superintendent; Vicki Gates, President; Helen Mount, Director; Michael Kundu, Legislative Representative; Ronald Young, Director; and John Bingham, Facilities.

DISCUSSION ITEMS

Mayor Kendall explained that the meeting had been called for the purpose of continued discussions. The major issue to be discussed was the status of the bond issue. Dr. Nyland explained that they had a media tour on Wednesday and were expecting a story in the papers soon. He then reviewed the content of the bond: a new high school on Getchell Hill, modernization of Marysville-Pilchuck High School, a new elementary school, and replacement for two elementary schools, Liberty and Cascade. Additionally the bond would assist with the acquisition of land, the replacement of the technology levy, health and safety issues, and to update the existing stadium. He discussed the needs faced by the district and the necessity of these projects. He commented that the district would provide an informational publication to the community.

School Board President Vicki Gates solicited questions from the City Council. Councilmember Donna Wright asked about the need for replacing Liberty Elementary. Dr. Nyland stated that the school was fifty years old. Although it was remodeled in the 70's there

are heating, sound, plumbing, electrical and roofing issues. John Bingham added that while the school was closed in the 70's it was not solely for remodeling, but due to nine levy losses in the 70's and the need for consolidation. Director Mount commented that Liberty and Cascade were built for a different era. Upgrading an old school is very expensive. She addressed the need for students to compete in a global environment.

Councilmember John Soriano asked if the stadium would be used on a shared basis. Dr. Nyland responded that it would. President Gates added that there would be practice fields at the new high school. Councilmembers Vaughan and Soriano both commented that in the districts where they went to school, stadiums were shared and worked out well.

Director Ronald Young asked about anticipated growth in the City. Chief Administrative Officer Mary Swenson stated that they are seeing additional housing go up, but more of the conversations are with commercial ventures. She was unable to share specific details at this time.

Mr. Kundu, Legislative Representative, discussed issues that the City might be able to assist in addressing on behalf of the school district: 1) Promised funding from the state will not be available to help with bond issues and 2) There is still a requirement for a 60% voter approval. The recent elimination of the need for a super majority does not affect bonds and levies. The district is expecting some difficulties due to recent tax increases and asked for the City's help in addressing these issues.

Mary Swenson commented that the Council has discussed the importance of having a healthy school district and how this relates to economic development. This is a priority for the City since they spent a lot of time, money and energy towards economic development. President Gates stated that thanks to Dr. Nyland the district is feeling much healthier. She indicated that they have heard many times how much better the school board is working together. Ms. Swenson concurred. She congratulated the district on its successful audit. Mayor Pro Tem Jon Nehring also congratulated the board and commented that he enjoyed the article regarding the district's audit. Councilmember Seibert commented that he could relate to the difficulties associated with tracking students.

Dr. Nyland discussed the timeline for building the new schools. He noted that they estimate that enrollment will increase 100 students per year until 2010. There was some discussion about portables and how there will always be a need for them due to the lag time in funding. Regarding mitigation fees, Dr. Nyland stated that they would be meeting on May 3 to get updated information. They will be able to get back to the City after that. Councilmember Donna Wright commented that she hopes that with the new school construction, provisions would be made to make trail connections. Dr. Nyland and Mr. Bingham indicated that this is being discussed.

Mayor Kendall informed the school board that a resolution of support would be signed tonight at the Council meeting. He extended thanks to the school district for attending the meeting and for keeping in contact. Mary Swenson commented on the positive working relationship between the city staff and the school district staff. Ms. Gates and Dr. Nyland concurred. Dr. Nyland stated that he appreciates the relationship as well. He thanked the City for support at the recent incident at the junior high school. He also thanked Jim Ballew and his crew for their work at the high school on the irrigation project.

Mayor Kendall recessed the meeting at 6:40 p.m. The school board members departed. Additional staff members in attendance for the remainder of the meeting included: Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Chris Holland, Senior Planner; Cheryl Dungan, Senior Planner; Jeff Massie, Assistant City Engineer; and Sgt. Wendy Wade, Police Department. The meeting resumed at 7:05 p.m.

COMMITTEE REPORTS

Councilmember John Soriano reported that the **LEOFF I Board** reviewed and approved two claims.

Councilmember Jeff Seibert reported on the **Snohomish County Solid Waste Advisory Committee** meeting on April 13. Topics discussed included: solicitation for information regarding privatization of transfer stations; e-waste; King County will be closing Shoreline Transfer Station in July and Snohomish County is expecting an increase in customers at the Southwest Transfer Station at that time; and reasons why the county is not going forward with a conditional use permit for Cathcart on a permanent basis.

Councilmember Seibert then noted that he had attended the first of ten meetings for the purpose of drafting revisions of the Prosecuting Attorney Standards for Snohomish County.

PRESENTATIONS

A. Employee Service Awards.

Brian Lutschg, Police Officer – 10-year Award

Sgt. Wendy Wade noted that Officer Lutschg was unable to attend the meeting, but she proceeded to give a glowing description of his service to the City. She noted that he has been with the City since 1995. In 2001, he became a full-time training officer with a focus on officer safety. He is frequently asked for advice from other officers. He is currently a firearms instructor. Along with Jeff Bronson, they have completely revised the program to include the FX simulated firearms program. Sgt. Wade stated that she has a high level of respect for and confidence in Officer Lutschg.

Claudia Pompella, Program Clerk – 5-year Award

Paul Roberts reviewed Ms. Pompella's history with the City. She began as a part-time receptionist in 2000. In July of 2001, she became a part-time program clerk for Fleet/Facilities for the Public Works Department. Ms. Pompella is efficient and very competent at data management. She has retired from twenty years of service in the Air Force and will be retiring from the City in May. She enjoys gardening and watching football and basketball. Mr. Roberts concluded that the City and the Public Works Department would miss her.

AUDIENCE PARTICIPATION

Ken Baxter, 1895 Liberty Lane, Marysville.

Mr. Baxter asked for a show of hands indicating which councilmembers would be attending the Historical Society dinner on May 2 before the Council meeting. All councilmembers present indicated that they planned on attending.

CORRECTED:
MINUTES
SEE SIB
FRANZEN

Ed Mohs, 1214 Beach Street, Marysville.

Mr. Mohs expressed opposition to the location of Planned Parenthood in Marysville. He was especially concerned about its proximity to the high school and the lack of public awareness about its agenda. He felt citizens should have been informed about Planned Parenthood moving into the neighborhood. He asked the Council to make this a future agenda item.

Councilmember Nehring asked how long they have been in their present location. Ms. Hirashima indicated that it has been over a year. Mr. Nehring asked if there had been any public notice. Ms. Hirashima stated that none was required. City Attorney Grant Weed stated that the City has regulating authority over all types of businesses, but to single out one type of business is not lawful unless there is some special need for a zoning change. Councilmember Nehring referred to its proximity to the school. Mr. Weed replied that the government has declared that certain activities are regulated with regard to proximity to schools. This is not one of them. Councilmember Vaughan asked how this differed from the prohibition on gambling activity within the City. Mr. Weed responded that the state allows cities to establish gambling regulations.

APPROVAL OF MINUTES.**A. April 11, 2005 City Council Meeting.**

Motion made by Councilmember Vaughan; seconded by Councilmember Seibert to approve the minutes as presented. Motion passed unanimously (5-0).

B. April 18, 2005 City Council Work Session.

Councilmember Wright referred to the discussion regarding the public hearing for a street vacation for a portion of 36th Drive N.E. She asked that the minutes reflect that she had excused herself for this discussion due to a potential or perceived conflict of interest.

Councilmember Seibert referred to his comments in the last sentence of the first paragraph on page 4. He asked that the following be added: "Councilmember Seibert stated that he would also like to have comments from the police department about serving that area."

Motion made by Councilmember Seibert; seconded by Councilmember Wright to approve the minutes as amended. Motion passed unanimously (5-0).

C. April 11, 2005 Joint City Council/Planning Commission Work Shop

Motion made by Councilmember Soriano; seconded by Councilmember Vaughan to approve the minutes as presented. Motion passed unanimously (5-0).

CONSENT

A. Approval of April 6, 2005 Claims in the Amount of \$1,108,536.96; Paid by Check No. 21931 through 22088.

B. Approval of April 13, 2005 Claims in the Amount of \$239,971.38; Paid by Check No. 22089 through 22230 and Check No. 21994 Void.

C. Approval of April 20, 2005 Claims in the Amount of \$309,451.02; Paid by Check No. 22232 through 22385 with Check No. 22231 Issued as an EFT and Check No. 21052 and 22054 Voided.

D. Approval of April 20, 2005 Payroll in the Amount of \$503,565.87; Paid by Check No. 14264 through 14321.

E. Authorize Mayor to Sign Lease Agreement with Gary Goeman d.b.a. Marysville Farmers Market for Operations of the Market in Comeford Park May 7, 2005 through October 29, 2005.

G. Approval of the Expanded Boundary of the Smith Annexation; 10% Notice of Intent for Circulation of the 60% Petition, Subject to the City's Bonded Indebtedness, Comprehensive Plan and Zoning and Direct Staff to Have a Perimeter Legal Description Prepared for the Annexation Boundary; PA 05004.

H. Deny Orchid Lane Annexation; 10% Notice of Intent; and Waive the Requirement to Annex to Obtain City Water and Sewer; Subject to Property Owner(s) Recording an Annexation Covenant Prior to Issuance of Utility Availability Letter; PA 05006.

I. Affirm the Hearing Examiner's Recommendation to Approve the Rezone, Preliminary Plat, and Utilization of Density Incentives; Suncrest Ridge Rezone; PA 04029.

Mayor Kendall noted that Item F had been removed. There were no comments or questions regarding any of the remaining items.

Motion made by Councilmember Wright; seconded by Councilmember Vaughan to approve consent agenda items A-E, G, H, and I. Motion passed unanimously (5-0).

REVIEW BIDS

None.

PUBLIC HEARINGS

A. Street Vacation for a Portion of 36th Drive N.E.; PA 0306015.

Councilmember Wright excused herself at 7:30 p.m. Senior Planner Chris Holland reviewed the staff report. Staff recommended approval subject to conditions. He distributed updated conditions to the Council.

Public Comment:

Karen Tregoning, 11905 and 11831 - 38th Avenue NE, Marysville.

Ms. Tregoning said she was told that there would be a sound barrier wall on 38th Avenue NE. She did not expect it to be a through street. She was very concerned about traffic in that area.

Chris Holland, Jeff Massie and Gloria Hirashima addressed improvements planned for that area.

Carolanne Hobbs – 11905 – 36th Drive NE, Marysville.

Ms. Hobbs stated that she owns a rental in the area and was not notified of what was happening.

Ms. Hirashima stated that 36th would become a cul-de-sac. Mr. Holland addressed buffers required between commercial and residential land use.

Lynn Hobbs – 11905 – 36th Drive NE, Marysville.

Mr. Hobbs expressed concern about the negative effect on property values as a result of access being reduced to his property.

Fred Love – 3931 – 118 Place NE, Marysville.

Mr. Love discussed his concerns related to the closure of 36th. He addressed safety concerns and inadequate streets as his main concerns.

Jeff Vaughan pointed out that Councilmember Seibert had also voice concerns about the access of emergency vehicles and staff had addressed this. Other transportation improvements discussed above will be in place before the shopping center opens.

Greg Cook – 11911 – 40th Avenue NE, Marysville.

Mr. Cook expressed concerns about emergency access to the area. He stated that the lack of access combined with the railroad crossing was a very dangerous combination. He also discussed the current poor street conditions. He then asked about sewer.

Ms. Hirashima responded that the project would be required to extend sewer across both frontages of the property.

Jim Southard, 11910 – 40th Avenue NE, Marysville.

Mr. Southard addressed concerns regarding the lack of access to the area. He stated that it is already overloaded and too narrow.

Council Discussion:

Councilmember Nehring asked Gloria Hirashima about the emergency services comments. She stated that there is a need to have a second access from that area. 38th Drive would be a safer connection because of the signal at 116th Street. She emphasized that traffic calming landscaping features would be installed. Councilmember Soriano asked if the fire chief had reviewed the current plan. Ms. Hirashima indicated that he had and that there had been no comments asking for revisions. Councilmember Seibert discussed the background of this

situation with regard to the 116th Street master plan. Gloria Hirashima replied that they have looked at the access alternatives and believe this is the best one available.

Motion made by Councilmember Vaughan; seconded by Councilmember Seibert to approve Ordinance 2568 regarding the street vacation for a portion of 36th Drive NE. Motion passed unanimously (4-0).

Councilmember Donna Wright returned to the meeting at 8:05 p.m.

B. Planning Commission Recommendation to Approve Updates to Comprehensive Plan and Development Regulations.

Gloria Hirashima summarized the background of the Comprehensive Plan Update process. She distributed a letter recently received from the Department of Community Trade and Economic Development and reviewed their comments and suggestions. The vast majority of these had already been addressed within the Plan.

Public Comment:

Kristin Kelly, Futurewise, 1429 Avenue D, PMB 532, Snohomish.

Ms. Kelly spoke regarding the CAO on behalf of Futurewise, formerly 1000 Friends of Washington. She stood by her previous comments and those of the Pilchuck Audubon Society. She urged the City to consider BAS to allow the City to be livable and enjoyable. Her recommendations were to use BAS to increase wetland and streams and rivers buffers and to allow no exemptions from mitigations.

Dan Mitzel, 16533 Walking M Lane, Mt. Vernon.

Mr. Mitzel supported the Comprehensive Plan amendments. He noted that he and a partner are planning the development of a hotel project at 88th Street and 36th. He hopes the Council adheres to the recommendations from staff and the Planning Commission. Additionally, he encouraged consideration of mitigation banking. He is involved with this in Mt. Vernon and feels it is an important tool for resolving land use issues. He suggested more specific language to talk about the mitigation bank ratio. He concluded by commending the City for all its work.

Ed Mohs, 1214 Beach Street, Marysville.

Mr. Mohs expressed concerns about traffic and crime in the City. Especially on his street, Beach Street, there has been a lot of criminal activity. He gave some examples of these and encouraged the City to strive to keep crime and safety issues at the forefront of its planning efforts. Finally, he stated that traffic on Beach Street is horrible and he wants the street redone.

David Toyer, Vice President, Barclays North, 10515 – 20th Street SE, Everett, WA 98205.

Mr. Toyer referred to the Traffic Mitigation Ordinance. He encouraged Council to consider the phasing option. He then referred to the School District Capital Facility Plans. He encouraged the City to look at a discount. He discussed concerns regarding averaging the assessed value of all homes versus just new homes. Finally, he commended the City for the

Comprehensive Plan Update, but stated that there is a need for more housing in the north end, especially in the Lakewood area.

Mike Pattison, Master Builders Association, 104 A 99th Avenue SE, Lake Stevens, WA 98258.

Mr. Pattison commended the City's planning efforts. He stated that they are the best he has seen in Snohomish County. Regarding the CAO, he recommended the deletion of 19.24.170, Section 2 regarding Species of Local Importance. He stated that there is too much uncertainty with this process and it is already possible to nominate with the state's regulations. He felt the Transportation Impact Fee differential between commercial and residential was out of balance, with commercial being favored too much over residential.

Bill Binford, 11417 – 124th Avenue NE, Suite 201, Kirkland, WA.

Mr. Binford thanked the Council, Planning Commission and staff for all the work they have done on these documents.

- He asked Council to consider eliminating the master plan requirement for areas east of 51st in Smokey Point.
- He asked if Council would adopt concurrent zoning with the adoption of the Comprehensive Plan. Ms. Hirashima affirmed that there would be an area-wide rezone.
- He requested that the City move the 156th Street Interchange to the 6-year TIP (subject to funding).
- He referred to 19.24.080(2)(c) regarding the 1/10 acre exemption outright similar to the Corps of Engineers. He suggested that "may" should be changed to "shall".
- He concurred with Mr. Mitzel regarding mitigation banking. He stated that this is a great solution for the environment and the City. He suggested that mitigation replacement ratios should take precedent over non-banked replacement ratios.

Councilmember Nehring asked Ms. Hirashima about the Smokey Point Master Plan requirement. Ms. Hirashima explained the benefits of master planning such a large piece of land in order to achieve the City's desired goals. Mary Swenson concurred and stated that staff has spent a lot of time looking at that area. Paul Roberts concurred and added that there are substantial environmental features in that area that would be best addressed by a master plan. Once this is done, it would actually provide for an expediting of permits.

Regarding the 1/10 of an acre exemption, Cheryl Dungan explained that the Planning Commission did provide for this exemption on Category 4 wetlands based on the general criteria that it had a habitat value of 19 or less.

Gary Wright, 5533 Parkside Drive, Marysville.

Mr. Wright commended staff and the Planning Commission for the Comprehensive Plan, but had the following comments:

- Capital facilities – School mitigation discounts should be raised to be consistent with Snohomish County and all other cities (50%).
- Traffic mitigation fees – This is problematic for residents as it gets added onto the price of a home and becomes an affordability issue.
- More housing land is needed.

Sandy Macky, Attorney for Perkins Coie

Mr. Macky stated that he is representing Pacific Development Company in the Smokey Point Blvd. property and is in the process of going through the master plan review. He echoed the advantage of the master plan. Additionally, he had the following comments.

1. With respect to CAO, there should be a provision for on-site mitigation. He suggested replacing the functions and values.
2. Regarding vesting, this ought to be made clear.
3. Under General Applicability, he felt the term "any activity" was too broad.
4. Buffers – guidelines in BAS refer to native buffers, which are less efficient than a built environment. Use BAS to replace functions and values to an area where it makes sense.
5. On site-and in-kind buffers must be done if feasible, but what if it doesn't make sense? Would be more useful if allowed elsewhere.

Steve Muller, Planning Commission Chairman, 4919 Sunnyside, Marysville.

Mr. Muller referred to the exemption allowed for in 19.24.028 for 1/10 acre. The Planning Commission's intent was that this be in line with the Army Corps of Engineers. He stated that as it reads now it is a little vague.

John Morrow, Pilchuck Audubon Society, 1823 Hewitt Avenue.

Mr. Morrow encouraged protection of the functions and values of wetlands. He agreed that there is a need for a flexible buffer system. He recommended a "functional assessment" similar to DOE's approach. He was opposed to the 1/10 acre exemption. He stated that this is one of the largest exemptions in Snohomish County.

Seeing no further public comment, Mayor Kendall closed the public hearing portion of the meeting at 9:05 p.m.

Discussion:

There was discussion about moving the 156th Interchange project to the 6-year TIP. Mr. Massie indicated that this would be a possibility. Mr. Roberts agreed that the TIP's are intended to be rolling documents. They will be reviewing them critically. Councilmember Seibert asked if the impact fee would need to be recalculated. Mr. Massie responded that it would not. Councilmember Nehring asked when the last time traffic mitigation fees were raised. Mr. Massie indicated that it was in 1999. Mr. Nehring commended the time put in by the Planning Commission and staff. He suggested addressing these increases in the future to ensure more predictability. Ms. Hirashima noted that there is a provision for a biennial review in the ordinance. Ms. Swenson added that this could also be discussed at the retreat.

Donna Wright asked about the discount rate for the school districts. Ms. Hirashima stated that it is currently 25%. Ms. Wright suggested that 50% might be more appropriate. Ms. Hirashima stated that they would need a separate hearing if Council wanted to change that. Councilmember Seibert commended staff and the Planning Commission on these documents.

There was a recess from 9:20 p.m. - 9:28 p.m.

CURRENT BUSINESS

None.

NEW BUSINESS

A. Re-submittal of 2005 Program Request to Purchase a Grader.

Motion made by Councilmember Seibert; seconded by Councilmember Wright to approve Ordinance 2576 authorizing the purchase of a grader, Option A. Motion passed unanimously (5-0).

LEGAL

None.

ORDINANCES AND RESOLUTIONS

A. An Ordinance of the City of Marysville, Washington, Annexing and Zoning Certain Unincorporated Area, Known as the Houvener Annexation into the City of Marysville.

Motion made by Councilmember Seibert; seconded by Councilmember Nehring to approve Ordinance 2577. Motion passed unanimously (5-0).

B. An Ordinance of the City of Marysville Vacating a Portion of 36th Drive NE Located North of 116th Street NE and South of 120th Street NE in the City of Marysville.

Approved above as Ordinance 2568.

C. An Ordinance of the City of Marysville, Washington Setting Forth the Basis of the City's Compliance with the Growth Management Acts Required Review and Updating of the City's Comprehensive Plan and Development Regulations Under RCW 36.70A.130(4)(a), Identifying Revisions to the City's Comprehensive Plan and Development Regulations as Needed to Ensure Compliance with the GMA, Repealing the Comprehensive Plan Adopted in Ordinance 2068, and Adopting a New Comprehensive Plan, Sewer Comprehensive Plan, Transportation Plan, Parks & Recreation Plan, and School District Capital Facilities Plans.

Motion made by Councilmember Seibert; seconded by Councilmember Vaughan to approve Ordinance 2569. Motion passed unanimously (5-0).

D. An Ordinance of the City of Marysville Amending the Official Zoning Map of the City and Providing for the Area-Wide Rezoning of Property within the City to Conform to the New Comprehensive Plan.

Motion made by Councilmember Wright; seconded by Councilmember Soriano to approve Ordinance 2570. Motion passed unanimously (5-0).

E. An Ordinance of the City of Marysville, Washington, Complying with the Growth Management Act's Required Review and Updating of the City's Development Regulations by Amending the Sensitive Areas Management Ordinance, Renaming it the Critical Areas Management Ordinance, Adopting Findings of Fact, and Amending Chapters 19.06 and 19.24 of the Marysville Municipal Code.

Motion made by Councilmember Vaughan; seconded by Councilmember Soriano to approve Ordinance 2571. Motion passed unanimously (5-0).

F. An Ordinance of the City of Marysville, Washington Amending the Zoning Code's Development Design Standards and Amending Chapter 19.14 of the Marysville Municipal Code.

Motion made by Councilmember Nehring; seconded by Councilmember Wright to approve Ordinance 2572. Motion passed unanimously (5-0).

G. An Ordinance of the City of Marysville, Washington Updating the City's Traffic Impact Fee Regulations and Amending Title 18B of the Marysville Municipal Code.

Motion made by Councilmember Nehring; seconded by Councilmember Vaughan to approve Ordinance 2573. Motion passed unanimously (5-0).

H. An Ordinance of the City of Marysville, Washington Establishing an Exemption from Traffic Impact Fees for Prescribed Development Activities and Amending MMC Title 18B Relating to Traffic Impact Fees and Mitigation.

Motion made by Councilmember Seibert; seconded by Councilmember Wright to approve Ordinance 2574. Motion passed unanimously (5-0).

I. An Ordinance of the City of Marysville, Washington Amending the Zoning Code to Implement the Downtown Vision Plan and Related Policies in the Comprehensive Plan and Amending Chapters 19.02, 19.06, 19.08, 19.12, and 19.18 of the Marysville Municipal Code.

Motion made by Councilmember Soriano; seconded by Councilmember Nehring to approve Ordinance 2575. Motion passed unanimously (5-0).

J. An Ordinance of the City of Marysville Affirming the Decision of the Hearing Examiner and Rezoning Properties Owned by Wendall Redding Amending the Official Zoning Map of the City.

Motion made by Councilmember Nehring; seconded by Councilmember Vaughan to approve Ordinance 2578. Motion passed unanimously (5-0).

K. An Ordinance of the City of Marysville Amending the 2005 Budget and for the Increase of Certain Expenditure Items as Budgeted for in 2005 and Amending Ordinance No. 2543.

Approved above under New Business as Ordinance 2576.

L. A Resolution of the City of Marysville Urging Voters to Consider the Importance of the Marysville School District Construction Bond Issue on the May 17, 2005 Ballot.

Mayor Kendall read the resolution then solicited public comment. There was none.

Motion made by Councilmember Seibert; seconded by Councilmember Nehring to approve Resolution 2142: Motion passed unanimously (5-0).

INFORMATION ITEMS

A. Mayor's Business

Mayor Kendall reminded Council of the Business Before Hours meeting on Friday. He stated that they need three delegates who are staying through Friday's business meeting at the AWC convention. Councilmembers Vaughan, Seibert and Soriano indicated they would be staying. Mayor Kendall thanked Gloria Hirashima, her staff and Planning Commission for an excellent job. He also thanked Council.

B. Staff Business

Paul Roberts had no comments.

Gloria Hirashima thanked the Council for their support. She discussed a 264-lot subdivision on 84th Street, which was submitted by Barclays to Snohomish County. It is outside the UGA currently, but proposed to be in the Comprehensive Plan.

Grant Weed indicated he needed a five-minute Executive Session. Mary Swenson also had one personnel item to discuss.

Sandy Langdon had no comments.

Robb Lamoureux had no comments.

C. Call on Councilmembers

John Soriano thanked Paul Federspiel, Julie Davis, Larry Larson and Paul Roberts for the Public Works tour over the weekend. Mr. Roberts replied that he appreciated taking the councilmembers around.

Jon Nehring asked about Lee Phillips' absence. Mayor Kendall explained that Councilmember Phillips had informed him he would be unable to attend tonight's meeting.

Motion made by Councilmember Nehring; seconded by Councilmember Seibert to excuse the absence of Lee Phillips. Motion passed unanimously (5-0).

Jeff Seibert thanked Public Works for the tour and thanked Gloria Hirashima, her staff and the Planning Commission for their work. Regarding the prosecutor standards, he noted that he could not make it to every meeting, but he was interested in representing the City.

Donna Wright echoed the commendations regarding the Public Works tour. She expressed thanks to staff for all their hard work. She added that she would be out of town for the rest of the week and would not be able to attend the Public Safety Committee meeting on Thursday.

Jeff Vaughan echoed the comments on the Public Works tour and the hard work on the Comprehensive Plan. He informed Council that the Parks Board is recommending that the name of the waterfront park be Ebey Waterfront Park. There was informal consensus to bring this back to Council. The Parks Board had also discussed changing the name of Ebey Slough to Ebey Channel. There was no interest in changing this at this time.

D. Salary Commission Minutes; April 6, 2005.

ADJOURNMENT

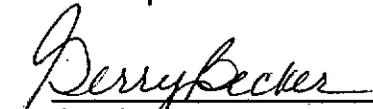
Mayor Kendall adjourned into Executive Session at 9:55 p.m.

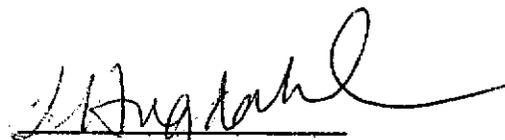
EXECUTIVE SESSION

Council met in Executive Session at 9:56 p.m., and discussed one pending litigation and one personnel issue; reconvened into Regular Session at 10:05 p.m.; took no further action; and adjourned at 10:05 p.m.

Approved this 9th day of May, 2005.


 Mayor
 Dennis Kendall


 City Clerk
 Gerry Becker


 Recording Secretary
 Laurie Hugdahl

ORIGINAL

MARYSVILLE CITY COUNCIL WORK SESSION

000126

April 18, 2005

7:00 p.m.

City Hall

CALL TO ORDER / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Dennis Kendall called the April 18, 2005 work session to order at 7:00 p.m. He led those present in the Pledge of Allegiance. There was no invocation.

ROLL CALL

Finance Director Sandy Langdon called the roll. The following staff and councilmembers were in attendance:

Mayor: Dennis Kendall

Council: Jon Nehring, Lee Phillips, Jeff Seibert, John Soriano, Lisa Vares, Jeff Vaughan, and Donna Wright.

Staff: Grant Weed, City Attorney; Sandy Langdon, Finance Director; Gloria Hirashima, Community Development Director; Larry Larson, Public Works Superintendent; Jim Ballew, Parks and Recreation Director; and Laurie Hugdahl, Recording Secretary.

Mayor Kendall stated that Mayor Pro Tem Jon Nehring had notified him that he would be unable to attend the work session.

MOTION made by Councilmember Phillips; seconded by Councilmember Vaughan to excuse Councilmembers Nehring. **MOTION** passed unanimously (6-0). (*Councilmember Nehring arrived at 7:30 p.m.*)

COMMITTEE REPORTS

Councilmember Vaughan reported on the April 6 **Parks Advisory Board** meeting.

- The board received updates on various Parks projects.
- They would like to have a Lakewood area representative on the Park Board. They will be coming to council with a recommendation to expand the geographical community to Lakewood area within the school district.
- The board discussed revisions to the Gellerson fund distribution. There is not enough remaining in the fund to complete the Jennings Park pond as planned. This project has been postponed.
- Presentation from citizen regarding the Farmers Market.
- Laundry Station owner discussed ongoing problems with the skate park. He has installed several cameras at his facility and it has really helped. He commended the police officers for their response to the situation.
- Strawberry Fields Grand Opening on Sunday, May 22. Seattle Sounders will be playing an exhibition game at 2:00 p.m.

Councilmember Lisa Vares reported on the last **Public Works Committee** meeting.

- Gray & Osborne had discussed the results of the automated meter reading system analysis.
- Waterfront Park extra dirt has been taken care of.
- Update on wastewater project.

PRESENTATIONS

None.

DISCUSSION ITEMS

None.

OTHER ITEMS SCHEDULED FOR APRIL 25, 2005 MEETING

A. Approval of Minutes.

1. **April 11, 2005 City Council Meeting.**
2. **April 18, 2005 City Council Work Session.**

CONSENT

- A. **Approval of April 6, 2005 Claims in the Amount of \$1,108,536.96; Paid by Check No. 21931 through 22088.**
- B. **Approval of April 13, 2005 Claims in the Amount of \$239,971.38; Paid by Check No. 22089 through 22230 and Check No. 21994 Void.**
- C. **Approval of April 20, 2005 Claims.**
- D. **Approval of April 20, 2005 Payroll.**
- E. **Authorize Mayor to Sign Lease Agreement with Gary Goeman d.b.a. Marysville Farmers Market for Operations of the Market in Comeford Park May 7, 2005 through October 29, 2005.**

Parks and Recreation Director Jim Ballew commented that Mr. Goeman has been a part of the Farmers Market since the market started. Since the prior lessee's lease has expired, Mr. Goeman has indicated that he is interested in coordinating the event. One change is that he would like to commence the market at 9:00 a.m. instead of 8:00 a.m. Staff is recommending that Council authorize the Mayor to sign this agreement.

Councilmember Seibert asked what had happened with the prior lessee. Mr. Ballew replied that they had tried to maintain communication with the lessee, but they had been non-responsive.

REVIEW BIDS

None.

PUBLIC HEARINGS**A. Street Vacation for a Portion of 36th Drive N.E.; PA 0306015.**

Gloria Hirashima commented that the applicant has an issue with one of the conditions. Staff is not recommending any changes at this time, but there may be more information coming.

Councilmember Seibert asked about access with the road closure during construction. Ms. Hirashima responded that it still needs to be determined. There was discussion about the importance of allowing emergency vehicles access. Ms. Hirashima indicated that a temporary easement for emergency vehicles might be a possibility. Councilmember Seibert had concerns about other conditions being met if the street was vacated early. City Attorney Grant Weed suggested some possibilities for handling this, but indicated that it would need further discussion with staff.

B. Planning Commission Recommendation to Approve Updates to Comprehensive Plan and Development Regulations.

Gloria Hirashima indicated that the draft ordinance would be in next week's packet.

CURRENT BUSINESS**NEW BUSINESS****A. Professional Services Agreement with Harris & Associates to Provide Construction Management Services for State Avenue (116th Street NE – 136th Street NE) Roadway Improvements Project.**

Public Works Superintendent Larry Larson reported that the plans are in the final stages and almost 100% complete. They interviewed four other consultants, but staff is recommending approval of Harris & Associates.

B. Funding for Road Grader.

Larry Larson explained that the 33-year old road grader recently suffered major engine failure. They are requesting authorization for funding for its replacement.

C. Smith Annexation; 10% Notice of Intent and Staff Recommended Expanded Boundary; PA 05004.

Ms. Hirashima explained that the proposed annexation is located north of 88th street along I-5. Staff is recommending an expanded boundary. They are expecting that Snohomish County will request a hearing regarding jurisdiction.

Councilmember Wright asked about police department comments on this annexation. Ms. Hirashima indicated that they have not solicited comments from them yet. Councilmember Seibert commented that the police department has already been traveling through that area to get to other areas.

Councilmember Jon Nehring arrived at 7:30 p.m.

D. Orchid Lane Annexation; 10% Notice of Intent; PA 05006.

Gloria Hirashima stated that the applicant is requesting a waiver. Staff is recommending that an annexation covenant be approved instead.

Councilmember Seibert asked what advantage to the City this would provide. Ms. Hirashima pointed to the fact that it would be another sewer customer. Councilmember Wright commented on the limited access.

E. Suncrest Ridge Rezone/Preliminary Plat; PA 04029.

Ms. Hirashima reviewed the Hearing Examiner decision regarding this 14-lot PRD. Mr. Seibert asked about access. Ms. Hirashima indicated it would be from the west.

LEGAL

None.

ORDINANCES AND RESOLUTIONS

A. An Ordinance of the City of Marysville Annexing and Zoning Certain Unincorporated Area, Known as the Houvener Annexation into the City of Marysville.

Councilmember Seibert asked if there had been any resolution regarding the road issues. Ms. Hirashima explained the measures that would be taken.

B. An Ordinance of the City of Marysville Annexing Certain Unincorporated Area Known as the Allen Creek Baptist Church Annexation Area into the City of Marysville.

Ms. Hirashima stated that staff is recommending removal of this item until after adoption of the Comprehensive Plan to avoid interim zoning. Councilmember Seibert asked about the landscaping issues. This is still being worked out. Ms. Hirashima gave an update about the confusion encountered by this applicant in working with the different entities.

C. A Resolution of the City of Marysville Urging Voters to Consider the Importance of the Marysville School District Construction Bond Issue on the May 17, 2005 Ballot.

Mayor Kendall stated that he would be presenting this resolution next week in support of the bond issue.

CORRECTED:
MINUTES
SEE 04.25.05

INFORMATION ITEMS**A. Mayor's Business**

Mayor Kendall reminded councilmembers of the Governmental Affairs meeting Tuesday at 7 a.m. He informed the Council that Bob Lambert of the Civil Service Commission had suffered a minor heart attack and was recuperating in the hospital. He is expected to be released in a few days. Mayor Kendall had the honor of attending an event at the library for Library Volunteer Appreciation Week.

B. Staff Business

Gloria Hirashima had no comments.

Larry Larson stated that the Public Works tour would be held this Saturday at 8:30 a.m. There are four sites on the schedule: the wastewater treatment facility, waterfront park, Edward Springs, and retention pond. Donuts and free bus ride are included.

Sandy Langdon commented that the Finance Committee would be meeting on Wednesday at 4:30 p.m.

Grant Weed had no comments.

C. Call on Councilmembers

Lisa Vares had no comments.

Jeff Vaughan had no comments.

Jon Nehring asked about an email issue. Lee Phillips explained that it had been resolved.

Jeff Seibert brought up the meeting with the school board. Mayor Kendall informed Council that they would be bringing Council up-to-date regarding the bond issue. Councilmember Nehring suggested trying to have the meeting at the City Hall since it would be immediately followed the City Council meeting. Mayor Kendall indicated he would contact them.

Jeff Seibert added that he had driven up 88th Street and stated that it looks like a nice development, but he had concerns about some of the older houses that take access directly onto 88th. He asked Ms. Hirashima if there is a plan for the future to avoid direct access onto arterial streets. Ms. Hirashima indicated that there was.

Lee Phillips had no comments.

John Soriano noted that he had attended the memorial for Marysville fireman Ted Matthews and it was a very nice service.

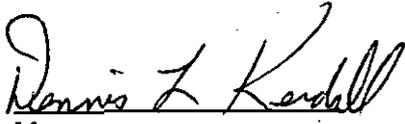
Donna Wright asked for the date of the Historical Society's event. She was informed that it would be on May 2 at the library.

Mayor Kendall added that Zoe Hallgren had asked him to announce that Friends of the Library is selling book bags as a fundraising project. He displayed a sample bag and noted that they are \$20 each. He encouraged councilmembers to participate.

ADJOURNMENT

Seeing no further business, Mayor Kendall adjourned the work session at 7:55 p.m.

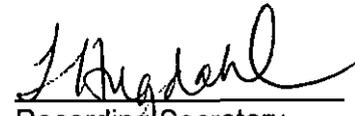
Approved this 25th day of April, 2005.



Mayor
Dennis Kendall



City Clerk
Gerry Becker



Recording Secretary
Laurie Hugdahl