

JANUARY 8, 1990

7:30 p.m.

Council Chambers

PRESENT: Rita Matheny, Mayor  
Councilmembers:  
Ken Baxter, Mayor Pro Tem  
Dave McGee  
Dave Weiser  
Donna Pedersen  
Donna Wright  
Bob Lashua  
Lee Cundiff  
Administrative Staff:  
Carolyn Sanden, City Administrator  
Phil Dexter, Finance Director  
Jim Allendoerfer, City Attorney  
Dave Zabell, Public Works Director  
Mike Corcoran, City Planner  
Jim Ballew, Parks & Recreation Supt.  
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Matheny called the meeting to order at 7:30 p.m. and led the flag salute.

ROLL CALL:

Finance Director/City Clerk Dexter called the roll with all members present/absent as indicated above.

MINUTES OF THE PREVIOUS MEETING:

Councilor Lashua moved and Councilor Baxter seconded to approve the minutes of the 1/2/90 Council meeting as written. Passed.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Ward Sayles of the Marysville School District addressed the Council, reminding them of the upcoming bond levy election 2/6/90 and stated they would like to hang banners at 4th & State to remind voters of the election.

Councilor Baxter moved and Councilor McGee seconded to allow the hanging of the banners. Passed.

Mr. Sayles also asked if the Council would openly support the levy and City Attorney Allendoerfer stated that this is usually done on a private basis.

PRESENTATION:

Mayor Matheny presented a plaque to be hung next to the Quil Ceda Wood Carvers montage in the Public Safety Building. The plaque includes all members names on it and was passed around for those present to see.

PETITIONS & COMMUNICATIONS: None.PUBLIC HEARINGS:

1. Northwest Energy Code Model Conservation Standards (continued from 1/2/90 meeting).

Gary Lentz of Lynnwood addressed Council on behalf of the PUD, stating that he had been informed that an announcement will be forthcoming tomorrow regarding the State Legislature's action as far as an energy bill; that both Houses want to move on this issue quickly and it's possible there will be statewide legislation, with a reduction from \$1200 to approx. \$900 on rebates. He said it is looking real positive towards the state adopting the energy code but if the City were to adopt prior to the state, the City would be grandfathered in for the BPA program. He noted that the main difference between the City and State energy code would be that

the City (NWECC) would require a 2x6 wall frame vs a 2x4 wall frame.

Councilor Lashua asked about who is lobbying for the State code and Mr. Lentz said the most popular bill is the "Governor's Bill" with builders, gas company and utilities support, but they are all calling for similar standards.

Tom Powroznik of Lake Stevens, representing Belmark Industries, addressed Council and noted that the NWECC pretty much parallels Chapter 6 of the UBC however Belmark has taken the option of using Chapter 4 criteria wherein they are allowed a certain amount of substitution and end up saving about \$3,000 to \$4,000 per dwelling unit. He said with the PUD Good Cents Program and the buyback program, glazing is about 55% more and therefore Belmark is not in favor of either the Good Cents Program nor the upgrading of the NWECC.

Jack Smith of Brier and representing PUD, addressed Council and stated there is flexibility in the Good Cents Program as well as the NWECC however PUD recommends 2x6 wall framing rather than the allowed substitutions. He agreed that it will cost the consumer more however there is the offset of a \$1250 rebate plus a reduced utility bill, so actually you end up with a positive cash flow as analyzed by the Washington State Energy Code, he said.

Councilor Cundiff asked if the builder couldn't increase the selling price of the home and Mr. Smith agreed he could and that homes are selling fast with prices escalating right now. Councilor Cundiff asked if the home with the energy package would get a better price and Mr. Smith said yes, it would be more attractive with the incentive, the rebate and the lower utility bill which would offset the higher price of construction.

Councilor Pedersen pointed out that at an additional \$40/mo. for the energy package and a savings of \$130/year, that doesn't equal a positive cash flow.

Mr. Smith said if a builder comes under Chapter 4, he can spend less and the \$40/month would be offset by about \$300/yr. savings in utilities.

Councilor Pedersen asked if Mr. Smith had any further information about inspections being done by PUD for the City and he said they are waiting to see what happens but said he would expect it would cost approx. \$125/inspection and perhaps PUD could offer some free services, in addition, he said.

Councilor Pedersen asked if the Good Cents Program isn't voluntary vs. the NWECC being mandatory if adopted and Mr. Smith agreed that would be so.

Councilor Weiser asked how many homes throughout the region are participating under the NWECC Model Conservation Standards and Guy Hughes of Redmond, representing BPA, estimated that there are 6000 homes.

Mr. Powroznik noted that out of all the new homes being built, only 20% are choosing to go with the Good Cents Program because of the additional cost as well as more inspections required. He said he did not think this is something the City really wants to get involved in.

Councilor Weiser commented that the State seems to be at least addressing other utilities and said he would like to see what's going to happen there.

Councilor Baxter agreed, stating he likes to see people having choices and if a mandatory rule is necessary, we have the UBC. He added that it is not clear what is happening in Olympia, only that some changes seem to be in the works but no one knows what or when. Discussion followed regarding the State law superseding City law, having an energy code that would apply to all forms of energy use,

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the Governor's bill not having been revealed as yet, cut off dates vs. effective dates.

Councilor Baxter moved to postpone the decision on this to the first meeting in February or until receipt of information from the State Legislature. Councilor Lashua seconded.

Councilor Wright noted there is a repealing clause in Everett's energy code ordinance and City Attorney Allendoerfer explained that was not included in the Marysville ordinance because he did not believe the ordinance should reflect or be based on what in essence amounts to a BPA kickback.

The motion passed unanimously.

## 2. Parkview Estates Binding Site Plan.

Councilor Pedersen disclosed that she lives in Parkside Manor, adjacent to Parkview Estates.

Councilor McGee disclosed that he gave testimony at the 7/10/89 hearing regarding 57th.

Councilor Wright disclosed that she lives within 5 blocks of Parkview Estates.

There were no objections/challenges from the audience and the Councilors remained on the hearing.

City Planner Corcoran outlined the conditions of approval as per the packet information. Councilor Pedersen asked if the 30' landscape buffer is included in the 9600 sq. ft. minimum lot size and City Planner Corcoran stated that is allowable.

City Attorney Allendoerfer agreed, stating the MMC had been amended so it no longer excludes easements and he said he would include this buffer under the term of "easements".

Mayor Matheny asked about fencing and City Attorney Allendoerfer said fences are allowed but not to block access for City maintenance and access to the drainage ditch.

Councilor McGee asked if the new homeowner owns part of the 30' buffer and City Attorney Allendoerfer confirmed that they do and asked if Division 4 would be part of the request tonight.

Public Works Director Zabell stated that Public Works has only reviewed Division 1 so far and said he understood the project would only be approved one phase at a time, both from a City Council view and from a Streets, Utilities and Public Works view.

Councilor Baxter asked about the declaration of covenants and City Attorney Allendoerfer explained that other than including maintenance of the buffer in the homeowners' covenants, other covenants are to be reviewed by the City Attorney prior to being approved.

Ken Kruger of Centex, Bellevue, addressed the Council and stated it was their (Centex) understanding that all of the single family dwellings, landscaping plan and portions of the project along 67th were to be included in the request for approval tonight.

City Attorney Allendoerfer said it would be Centex' prerogative to include all single family dwellings if they wish and Mr. Kruger stated that would be their preference. He noted that they have put in a lot of time meeting with Jim Ballew and Mike Corcoran on the park area, the buffer, etc. and that a typical lot is 80' x 120' with all lots maintaining a minimum of 9600 sq.ft. including the 30' buffer. He noted they lost 2 lots because of the buffer and did not try to put them back in. He added that at the time of the original approval, it was agreed Centex would donate \$70,000 (\$200/unit) to the City, an asphalt trail to Jennings Park, a 22

space parking lot, entryway (plus \$30,000 in value of in-kind services). He noted they have agreed to provide a treed screen to provide a separation between Parkview Estates and Parkside Manor. and that the trail will serve two purposes--jogging and drainage. He added that an agreeable change will have to be made to the alignment (of the trail).

Councilor Pedersen asked about the "57th St. Committee" and Mr. Kruger stated that's not been finalized yet. He added that Centex has not done the final design yet for the alignment.

Councilor Pedersen suggested it might be better to just get approval for Division I and Public Works Director Zabell said his departments could make recommendations for the balance of the project this spring or early summer.

There was discussion about the committee meeting on the 57th emergency access issue; approving the plat with that exception; construction of greenbelt, ditch and trails; maintenance of gravel vs. asphalt; trimming grass in the drainage swales.

Ward Sayles then addressed the Council and stated that several property owners of Parkside Manor met with Centex regarding the greenbelt and service road because the residents of Parkside Manor have a concern about maintenance of privacy and so they would like to see the greenbelt next to the boundary of Parkside Manor. He noted that the swale really will not need that much maintenance once the homes are occupied.

Councilor Lashua noted that in some of the cases, the greenbelt and service road cannot be switched and Mr. Sayles explained that the drain off comes from above the plat and that maintenance can be maintained without the City's need for access to get in with a backhoe.

There was discussion regarding whether priority should be placed on an asphalt jogging trail or as City access for maintenance of the drainage swales. It was noted that the trail will probably be used much more extensively for recreation with the need for access still an issue.

Public Works Director Zabell noted that with the switching of the greenbelt and the service road/trail, some trees would have to be cut down in order to gain access to the swale, otherwise it would have to be cleaned out by hand.

Leonard Hansen, 5622 70th St. NE, addressed the Council and said the swale is channelized about half way down and crosses right next to his property where he has just built a very attractive fence. He noted that the swale is on private property for about 7 lots from his home to Jennings Park and they end up with no privacy on the south side of Parkside unless there are trees put in. He said the residents encourage the reversing of the service road with the buffer.

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Councilor Lashua noted the swale does not run a turn east-west across and the buffer would have to follow the property lines as opposed to the swale and he said he didn't see the need for the trail to have to run in a straight line.

There was further discussion regarding the swale meandering, how fencing makes it very difficult to clean swales, about drainage tiles as an alternative to the swale, drainage directions, need to keep swale, tightlining vs. drainage ditch, water depth being anywhere from 4" to 9" in ditch, surface waters, need for more information, Centex engineers still need to review, the committee looking at 57th Dr. could possibly also resolve the swale issue.

City Attorney Allendoerfer stated he did not recommend deferring the swale and/or landscaping issue to a committee.

Councilor McGee stated he would like to see more justification for not switching the service road and the swale, based on the (in)-frequency of cleaning the swale.

Public Works Director Zabell noted that the swale would probably be cleaned out every 3-4 yrs. even though it has only been cleaned out about once every 15 yrs. to date.

Marty Larson, 5712 70th St. NE, addressed the Council and said he is also in favor of switching the path and the swale. He suggested the City amend the ordinance, cut the trees, clean the swale and then replant the trees. He said the main blockage of the swale occurs at the emergency access and the City would have use of that anyway. He said he also has a concern with the greenbelting being included in the access and what would happen if nature takes out a tree or if the aesthetics got disturbed. He said he thinks the homeowners should be allowed to replace trees if necessary; that it should be a covenant. He said he would be in favor of the developer putting in a 6' tree/burm between single family and multiple family as has been discussed previously. He concluded that he thought the aesthetics should be up to the homeowners and the responsibility of the drainage up to the City to maintain.

Councilor Weiser asked about the vegetation in behind the Larson property and Mr. Larson stated that there is quite a bit but they have maintained the swale. There are some maples further down, right in the swale, he noted, however.

Richard Paulson from Parkside Manor addressed the Council. He said he thinks the developer is doing a good job of Parkview Estates but he hoped the City would give credence to switching the greenbelt and asphalt.

In his rebuttal, Mr. Kruger addressed the maintenance of the greenbelt and assured Council that the covenants would be reviewed by the City Attorney and the homeowners along the north would be responsible for the maintenance of the greenbelt. As far as switching the greenbelt and asphalt, he stated that it doesn't really matter to the developer how it goes in as long as it is acceptable to everyone.

Councilor Pedersen asked about the 30' buffer being included in the lot sizes and Mr. Kruger said the lots along the north boundary are 2400 sq. ft. bigger than the 9600 sq. ft. minimum lot size in order to accommodate the buffer.

Councilor Baxter said because the maintenance of the swale is the City's responsibility, he would be in favor of leaving the greenbelting and asphalt as presently planned.

Councilor Weiser pointed out that the primary use of the trail would probably be recreational vs. used as a service road for the City and Councilor Lashua noted that a lot of homeowners have their own buffer, too.

After another brief discussion regarding cutting of trees in the buffer, Councilor Baxter moved to approve Parkview Estates Binding Site Plan with the exception of the access on 57th Dr. and with the exception of the multi family phase of the development. Councilor Cundiff seconded and the motion passed with Councilor Pedersen against approval and Councilor McGee opposed to the road and buffer remaining as is.

CURRENT BUSINESS:

1. Computer System Resolution; Marysville Municipal Court (continued from 1/2/90 meeting).

Sue Jensen introduced Gary Valles of Data West Systems in Woodinville who reviewed the questions from last meeting. With regard to the cost of the system, he explained that \$15,000 would be for on-site training and technical support for the first year in lieu

of a licensure fee of \$5 per case per year. He said the estimate for training and support was based on 240 hours, or \$9600. He explained that if this is unacceptable, an alternative would be for someone to come in on a time and materials basis only and the annual support fee is based on 10% of the \$15,000 which entitles any enhancements of the software. He noted that it's more appropriate if all the courts have the same revision level.

As far as item 3, in order to have the current version, the annual powerhouse support fee includes revisions, at \$200/year, he explained.

Regarding item 4, powerhouse run time is included in the \$200/yr.

Under item 5, the difference between the two printers is that one is for reports and one is much more appropriate for payments/receipts at the front window because it's easier to change paper and is a faster printer.

With regard to item 6, advantages to the City, he noted that the system will save labor, there will be screen availability to the judge, automated record keeping, statistical analysis in a timely manner, system is expandable, no more redundant entries.

Concerning item 7, he said no new people would be hired and the system is not difficult to run.

Councilor Lashua asked about data being available from surrounding court systems and Mr. Valles said plans are to connect with other systems eventually but not right away.

Carol Jensen-Wilson, Court Administrator, South District Court, addressed Council and said in order to connect this system with the others, it would cost \$5,000 plus permission from the State. The plan is to have it done in phases, she said.

City Attorney Allendoerfer asked if the State isn't putting all courts on line one by one and asked how long Marysville would have to wait if they didn't wish to come up with the cost.

Judge Wilson of the South District Court stated they have a system in place which is 5 years ahead of the State and they have found it has paid for itself every 8 mos. by eliminating lawsuits, by giving them access to past records and allows follow up so things don't slip through the cracks and it more than recovers expenses, he said. He added that Marysville probably would have to wait a long time before the State came up with an on-line system. He noted that the South District Court computer system was paid for by the County and has one a national award for being very efficient and cost effective.

Mayor Matheny noted that the State is looking for ways (such as providing computer systems to cities) to spend their surplus.

Councilor Weiser asked about how many bench warrants Marysville has that have not been recalled and Ms. Jensen noted that Marysville does not have the same problem the South District Court had in this area.

Veda Ferdinand, former City Computer Coordinator, addressed Council and stated she was in contact with the State on two occasions and found out they are working on a Wang system in Arlington and still trying to iron out all the bugs. They apparently are then going to be switching over to a Dec/IBM system and the conversion will probably take about 2-3 years for 27 sites, she stated and then they will go to other larger cities first and Marysville is not even on the list yet. Therefore, we are way down on the totem pole she noted. She added that there would be several advantages in going with the proposed system: it is IBM and would be compatible with the State's system and also will be compatible with the E-911 system. She stated another advantage would be the ability to network with the police dept. and surrounding courts. She also recom-

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mended, based on Judge Wisman's recommendation, that Marysville apply to the State and at least get on the waiting list referred to earlier.

Councilor Cundiff noted that a lot of computer systems become quickly obsolete because of the many technical advancements and Ms. Ferdinand agreed, stating that without enhancements, this system will become out of date in 3-5 years however it can be enhanced with more storage, etc. as needed. She added that maintenance and support are key issues, with Data West having been highly recommended as a Dec OEM.

Ms. Jensen pointed out that the first year lease and expenses for the system have been approved by Council and there is no additional staff requested. She said they are asking that the public bidding requirement be waived because this is the best court program.

Councilor McGee asked about training being done in conjunction with conversion and normal workload and Ms. Jensen said she felt confident it can be done; that they plan to transfer all records from 1/1/90.

Councilor McGee asked about the Texas Instruments printer and Ms. Jensen said they would definitely require two printers, one for reports and the other for receipts, warrants, etc.

Ms. Ferdinand pointed out that one of the printers would be dot matrix and the other, letter quality and the state reports would be done on the dot matrix printer and would be very comprehensive reports, statistical in nature, requiring a lot of printer time.

Councilor Baxter asked about the budget amount approved and Finance Director Dexter said a lease purchase was approved effective 1/1/90 and it was for more than the figure that has now been presented. He explained that the lease was decided on because of the uncertainty of the courts and the legislation with regard to maintaining a large computer system. He added that the contract would have to have the standard "budget-out" clause for approval.

After further brief discussion, Councilor Cundiff moved to pass Resolution #1403 waiving the public bidding requirement for the court computer system. Seconded by Councilor Pedersen and passed.

Councilor Baxter commented that he would still like to know the difference in cost between buying and leasing and that he would like the City Attorney to make sure the City has an "out" clause.

3. Final Comprehensive Solid Waste Management Plan - Karen S. Nakhjiri, Snohomish County Solid Waste Management Division.

Ms. Nakhjiri noted that the plan is required to be updated by the State every five years and she proceeded to present a number of overhead projections demonstrating the County's current needs; recycling implementation, sludge disposal, wood waste/DD, long haul/waste export, waste characterization being only a few of the issues addressed. She explained the public involvement in the Solid Waste Comprehensive Plan by way of a task force with good representation from cities and towns; over 20 public meetings; draft of EIS issue. She talked about "igloos" (recycling domes) usage, curb side collection, transfer stations, landfill capacity and how Cathcart will be full as of 6/90, options, disposal of white goods (hazardous waste), contaminated soils, alternatives for transfer stations, tipping fees going up, 6% annual projection growth (which is lower than past 2-3 yrs.), regional landfill with only one more in this county because of location restrictions. She explained that a landfill "at home" is required for emergency use even if all other solid waste is being hauled away and she noted that the Everett transfer station lease expires 12/94 with no new ones planned for Everett.

Ms. Nakhjiri talked about long haul, routes, short haul, the fact that cities and towns need to make a commitment, revenue bond financing, enforcement clauses, illicit dumping, making it a misdemeanor to violate dumping laws and she itemized the adoption schedule of the Comprehensive Solid Waste Management Plan.

Questions and discussion followed regarding hazardous waste, designated ag wastes, empty pesticide containers and strategy for solid waste disposal for the future.

**2. Library Feasibility Study Consultant Selection.**

CORRECTED: SEE 1-22-90  
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Bob Renford, Chairman of the Building Committee, addressed the Council and noted that growth is overtaking the 11 year old Library. He explained that the City had set aside funds for hiring a consultant and the committee is recommending the firm of Lewis, Nelson, Palmer to submit a proposal for remodeling the library. He said they gave a good presentation to the committee and can remodel within the budget. Discussion followed regarding how well the Marysville Library is used by surrounding communities.

Cindy Lyons, Librarian, addressed Council and supported Mr. Renford's remarks, noting that Arlington has a larger library and yet Marysville has a larger collection size; she emphasized the need for space at this time, for both people and books.

Tom Mayer, Director of Sno-Isle Library, added that their budget will increase by 60% this year and that means there will be 60% more volumes to distribute and Marysville really needs to be able to accommodate more of these materials.

Councilor Baxter moved to accept the recommendation to hire Lewis & Nelson, Architects, as consultants for a feasibility study. Councilor Lashua seconded and the motion passed unanimously.

Ms. Lyons added that they are concerned that a remodel will only be good for two more years and asked the possibility of a feasibility study for a new building, the study to be included in the \$8,000 allocated. Consensus was that this could be done.

PUBLIC HEARINGS:

**3. Ordinance Regarding Hotel/Motel Tax (2% Assessment).**

City Attorney Allendoerfer explained this would increase 1990 revenue with the completion of the Village. He noted that there would be no effectual increase to the hotel or motel; the 2% revenue would come to the City instead of staying with the State and can be used for tourism.

After a brief discussion, Councilor Weiser moved that Ordinance 1755 be passed effective 2/1/90. Councilor Pedersen seconded and the motion passed unanimously.

CONSENT AGENDA:

1. Reimbursement for Oversizing the Water Main for the Plat of Sound Ridge (corner of 67th Av. NE & SR 528).
2. Angle Parking Request, 1200 Block 2nd Street, North Side.
3. December 1989 Payroll checks numbered 17115 thru 17413 in the amount of \$353,607.72.

Councilor Lashua moved and Councilor Weiser seconded to approve Items 1 through 3 of the Consent Agenda. Passed unanimously.

NEW BUSINESS:

**1. Marchiney Annexation.**

City Planner Corcoran described the location of the property as described in the packets, a proposed annexation area of approx. 53 acres. He noted that the annexation for the most part is based

upon annexation covenants and that everyone within the annexation area is using Marysville utilities. He asked Council's preference with regard to squaring off boundaries.

Councilor Pedersen asked about lots 1-032, 1-040, 1-041 and 1-042 and City Attorney Allendoerfer explained they had protested the annexation.

Councilor Weiser asked how many people in the area had signed non-protest agreements and City Planner Corcoran stated the Planning Dept. is in the process of researching this information but he didn't want to take a real aggressive annexation stand in the area with the possibility of an upcoming meeting involving a combining of the two fire districts possibility/feasibility.

City Attorney Allendoerfer asked if the area is in RUSA and City Planner Corcoran said yes, with a county density of "05". He added that in terms of the process, this would be the 10% petition portion of the annexation method, establishing an annexation area.

City Attorney Allendoerfer pointed out that the zoning would be set by the Planning Commission.

Councilor Lashua asked who is in favor of the annexation and City Planner Corcoran explained Mr. Marchiney, owner of lot #1-014, along with 54 covenants previously signed and four large parcel owners. He noted that one call had been received in opposition to the annexation.

Mike Patterson, agent for Marchineys, addressed the Council and explained they plan to develop a plan with 9600 zoning which is the same as to the west and the north, he said. He noted the property falls within RUSA and they look forward to working with the City of Marysville.

Councilor Weiser asked about other property owners having been contacted with regard to the annexation and Mr. Patterson stated they had initially tried to tie this in with the property to the south but their package was prepared prior to the Marchiney Annexation. He stated they are aware of opposition to this annexation but have tried to square up the boundaries and make it compatible.

Councilor Lashua asked about the people to the north being informed and City Planner Corcoran explained if the 10% petition portion is approved tonight, the annexation will then be advertised.

There was discussion regarding the covenants having been signed 20 years ago and it would be a courtesy to notify the people in the plat to the north of the proposed annexation.

George Wilcox, 1522 3rd St., addressed the Council, representing his mother, Mary Wilcox, owner of lot 4-015 and also representing the Doleshels, lots 1-033 and 1-034. He noted that all three property owners are opposed to the annexation; the Doleshels raise Christmas trees on their property and the Wilcox acreage has been used for raising Black Angus for years and both the Wilcoxes and Doleshels wish the property to remain zoned ag. He referred to an article in the North Snohomish County Today newspaper as well as a public opinion poll sent out by the Planning Dept. recently and the strong comments in favor of retaining ag use land in the area. He mentioned that the Planning Commission needs to still put together some ag policies at this time but further, that 25 acres comprises almost 50% in opposition to the annexation. He added that the property to the south and west is available and there would be no hardship as there is 12,500 zoning, the same in the City as in the County. He handed out a map showing the Snohomish County wetlands designations and noted that 4-014 is contained within this designation by the County (the Marchiney property) which is the same designation as the Army Corps of Engineers has given it. He noted that the Wilcox property (4-015) is also designated County wetlands and guessed that it is probably wetter

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than Kellogg Meadows. He submitted that the developer would probably have an easier time of developing this property if it were in the City vs. the County because of the County designation as wetlands, because the City has not developed a wetlands policy as yet. He said he felt the City should avoid anything like another Kellogg Meadows situation.

Mr. Wilcox referred to the MMC expressing a preference not to annex on a piecemeal basis and therefore the property to the west should be included in the annexation as they need City services, he point out, noting that the Doleshels and Wilcox properties do not wish to come into the City. He further pointed out that the petition is signed by only one individual and this doesn't address Jubie and Fox Trails Additions, as opposed to a petition signed by 63 people in opposition to the annexation which Mr. Wilcox has received. With reference to the wording of the covenants, he noted that it simply says "when the property becomes contiguous to City property" and so there's no obligation on the part of these (old) covenants, he contended. He said he suggests the developer get in touch with the people to the west and that the City Council reject the annexation request at this time.

Councilor Pedersen asked about the use of lots 1-009, 1-010 and 1-017 and Mr. Wilcox stated he did not know.

Councilor Lashua asked about the "contiguous" arguement and City Attorney Allendoerfer said that would mean that you would have to make piecemeal annexations if you waited until contiguous annexations were in place.

Mr. Wilcox noted that the newer covenants are worded a little differently, saying "when contiguous or if the property becomes part of a larger area annexed". He said more importantly, is the wetland issue and an ag/wetland policy not being in place for the City of Marysville as yet.

There was discussion about squaring off of annexation area boundaries, opposition to the annexation, 10% petition process, annexation based on the covenants.

Mr. Patterson explained that they are presenting a 10% application with a squared off boundary and that they would be basing the annexation on the covenants which is more than 60% but they would also be willing to go door to door for more signatures in favor of the annexation. He agreed that Terry Marchiney does not represent 10% of the property owners.

Councilor Pedersen asked if there had been any communication with the owners of lots 4-009, 4-010 and 4-017 and Mr. Patterson said no.

Councilor Pedersen stated she would feel better if they had been contacted and included and Councilor Baxter pointed out there was a reason for having the covenants signed.

Councilor Baxter moved to approve the 10% petition/boundary establishment of the annexation. Councilor Wright seconded and the motion passed with Councilor Lashua opposed.

Councilor Weiser moved that lots 4-009, 4-010 and 4-017 be included in the annexation boundaries. Councilor Pedersen seconded and the motion passed.

## 2. Proposed Increase in Golf Fees.

Parks & Recreation Supt. Ballew addressed the Council and explained that the Golf Advisory Board has recommended increasing the golf green fees in order to address the need to pay for the maintenance/shop building. The proposal is a \$1.00 increase per player which translates into a 14½% increase on 9 holes and a little less on 18 holes, he said. He noted that the anticipated annual income is \$27,900 from \$13,950.

He addressed the issue of also increasing the purchase price of senior passes and noted the proposal would project an annual income of approx. \$9257. He explained also an idea to initiate two family member senior passes whereby the senior would receive a reduction of \$100. He said if funds/income continues past the need to pay for the maintenance building, they would like to be able to apply the funds towards other items and justified the increases by pointing to surrounding courses also increasing fees, with Cedar-crest's fees being very compatible. He proposed that the increases be effective 2/1/90.

Councilor Baxter moved and Councilor Cundiff seconded to increase the fees as recommended, effective 2/1/90. Passed unanimously.

CURRENT BUSINESS:

4. Marysville Fire Dept. Standards Relating to Sprinkler & Alarm System Installation.

Councilor Baxter moved and Councilor Pedersen seconded to postpone this matter until after another committee meeting. Passed.

5. Summary of City Council Sub-committees.

Information only. Add Councilor McGee to the Library/Building Committee.

ORDINANCES & RESOLUTIONS:

1. Ordinance Relating to the Funding of the Local Improvement Guaranty Fund.

City Attorney Allendoerfer explained that the guaranty fund needs to be built up and this would implement the funding, based on a surcharge of up to 10%. He said he would recommend this as the best way to fund the guaranty fund.

Councilor Cundiff moved that Ordinance #1756 be adopted. Councilor Wright seconded and the motion passed unanimously.

2. A Resolution Authorizing an Interfund Loan and Designating the Interest Rate.

Councilor Baxter moved that Resolution #1404 be adopted. Councilor Pedersen seconded and the motion passed unanimously. (Relating to LID 63.)

3. PUD Lawsuit Update.

City Attorney Allendoerfer said the hearing is scheduled for 1/19 in Superior Court.

CALL ON COUNCILMEMBERS:

Councilor Cundiff reported vandalism to street signs from 51st to 53rd along Armar Rd.

Mayor Matheny commended Pat McGee and the Citizens Against Crime for their efforts.

Councilor Lashua asked about the stop lights at 4th & State and Public Works Director Zabell stated they should be operational next week.

Councilor Pedersen said she will be attending the 1/26 workshop.

Councilor Baxter reported that discussions will be starting soon regarding combining City and district fire dept. capabilities. He also mentioned that in discussions regarding sprinkler systems it has come out that the City needs to look at more equipment purchases and possibly reinstating the equipment reserve fund.

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Councilor Lashua agreed, stating the Fire Dept., Public Works have needs and the Accumulative Reserve Fund would be a good topic for the annual retreat.

Councilor Weiser asked about the decision to meet at the Tulalip Inn on 1/20 and City Administrator Sanden explained that other places were checked out and Mary had ended up deciding this would be the best choice. There was discussion about who would be attending, noting that the Library has been invited.

Councilor Baxter commented that the Library wants to possibly approach the property owners next door to the Library about selling.

MAYOR'S BUSINESS:

1. Library Board Appointment - Mrs. Kathryn Roon.
2. Planning Commission Appointments - Jim Mulligan & Gail Rauch.

Councilor Baxter moved and Councilor Lashua seconded to confirm the Mayor's appointments. Passed unanimously.

STAFF BUSINESS:

1. Formal Acceptance of 76th.

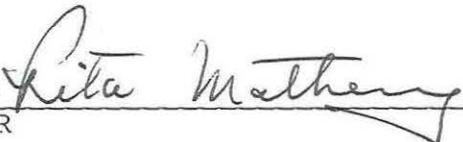
Councilor Lashua moved and Councilor Pedersen seconded that 76th St. Improvements be formally accepted as per recommendation of Public Works Director Zabell. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 12:00 Midnight.

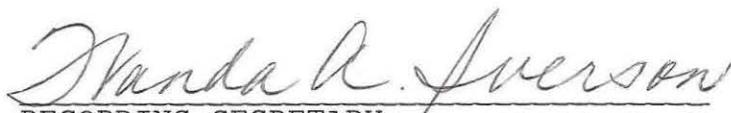
EXECUTIVE SESSION: Real Estate.

RECONVENE AND ADJOURN: Approx. 12:05 a.m. 1/9/90.

Accepted this 22 day of Jan, 1990.

  
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 MAYOR

  
 \_\_\_\_\_  
 CITY CLERK

  
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 RECORDING SECRETARY