

MARYSVILLE CITY COUNCIL MINUTES

MARCH 26, 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  
 Bob Kissinger, Utilities Supt.  
 Larry Gessner, Street Dept.  
 Dave Zabell, Public Works Director  
 Mike Corcoran, City Planner  
 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 pointed out that on page 2, in paragraph 4 of the minutes of the March 12, 1990 meeting, the word "hauling" should be inserted between the words "garbage" and "comes". He then moved that the minutes be approved as corrected and Councilor Wright seconded the motion. The motion passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PRESENTATIONS: None.      PUBLIC HEARINGS: None.

PETITIONS & COMMUNICATIONS: None.

CONSENT AGENDA:

1. Approval of March 26, 1990 Claims - \$299,483.59.
2. Personnel Report.

Councilor Weiser questioned the need for an assessment center for hiring of a sergeant under Item #2. City Administrator Sanden said she believed this will be an abbreviated assessment center and that she would check on it further.

Councilor Lashua questioned the vouchers for Plan Checking to Ferrens and Thompson, asking if an in-house person could be hired for the same or lesser amount.

City Planner Corcoran explained that the Ferrens voucher was in settlement of a year old invoice and that the Tommy Thompson payment was for a period of three months. He noted that plan checking is being done on a contract basis at the present time whereby if one is not available, the other can be used.

Councilor Lashua moved to approve Consent Agenda Items 1 & 2, Councilor McGee seconded the motion and it passed. Councilor Weiser did not vote.

## MARYSVILLE CITY COUNCIL MINUTES

MARCH 26, 1990

Page 2

REVIEW BIDS:**1. Street Sweeper.**

Larry Gessner of the Street Dept. explained that only one bid was received, from Utility Equipment Inc. in the amount of \$95,725.79 and that the sweeper comes with a warranty.

Councilor Baxter moved to accept the bid from Utility Equipment and Councilor Cundiff seconded the motion. Passed unanimously.

**2. Utilities Building Remodel.**

Utilities Supt. Kissinger explained that notice of bid was sent out to building contractors off of the City's Small Works Roster and only one bid was received--from Ron Loop Construction for \$56,257.58 including sales tax, but not including electrical work. He said the work can begin in two weeks.

Councilor Baxter moved and Councilor Wright seconded that the bid from Ron Loop Construction be accepted as outlined in the packets. The motion passed unanimously.

CURRENT BUSINESS:

Councilor Pedersen asked that an update of the sewer moratorium situation be given prior to proceeding with the Annexation requests.

Public Works Director Zabell stated that the DOE has not responded to the Notice of Violation as yet. City Attorney Allendoerfer reported that our sewer lagoon is functioning properly at this point, probably because of the sunny weather, and we are not out of compliance.

**1. Neartown Annexation. 2. Southeast Annexation.**

City Planner Corcoran noted that all of the four Annexations are within RUSA and so the City would be obligated to provide utilities if requested. He referred to the map in the packets and noted that the Neartown Annexation is surrounded on two sides by the City limits (the north and east sides) and on the west by the Griffore Annexation. It is bounded on the south by 52nd. He said staff is recommending that the Neartown Annexation, the Southeast Annexation and the 40 acre parcel separating the two, be combined for one annexation area.

Councilor Weiser asked about squaring off the boundaries and Councilor Lashua asked about others in the recommended area having been contacted.

City Planner Corcoran noted that some people in the recommended area have independently indicated an interest in annexation and this evening's request is simply to establish a boundary for the 60% petition to then be submitted. City Attorney Allendoerfer concurred, stating the policy is to try and make large, logical boundaries.

Public Works Director Zabell pointed out that there is a 90 degree curve in the road that would end up in the City if this total annexation is accepted. City Attorney Allendoerfer stated that the City can require property owners (as a condition of the annexation) to upgrade the road and discussion followed regarding if the owner of the property adjacent to the 90 degree turn does not want to annex whether they should be required to upgrade the road.

MARCH 26, 1990

Page 2

MARYSVILLE CITY COUNCIL MINUTES  
MARCH 26, 1990  
Page 3

Bill Roberts, 4129 76th St. NE, addressed the Council, representing the Neartown Addition. He stated they researched the 40 acre parcel and there are some non-protest agreements that have been signed in there and that they would like to explore that further in the hopes of squaring off the boundaries better. He said that as far as Neartown being included in the total annexation, for the record he wanted to make it clear that if they are not successful with the total annexation, they would hope at least Neartown could come into the City. He said it's about 40 acres and has a regular shape; that they would not be opposed to try and get more signatures and interest, however. He added that the Griffore Annexation comes up 4/19 before the Boundary Review Board and that may have an effect on Neartown also.

Councilor Baxter pointed out that as far as the 90 degree turn in the annexation area, the corner at 67th & Getchell Hill is also a very dangerous corner that something needs to be done about and it's within City limits.

Rick McArdle, 2917 Pacific, Everett, addressed the Council, representing the Southeast Annexation and stated they are not objecting to the total annexation and would like additional time like Mr. Roberts, but would ask that boundaries not be fixed at this time as they would also like to add the 5 acre tracts along 76th. As far as the bad corner at 44th, he said he felt it premature to say it's a hazardous situation and the corner would be difficult to change. He said they feel the Southeast Annexation could also stand on its own.

Councilor Pedersen asked if Mr. Roberts and Mr. McArdle were in agreement and Mr. Roberts said yes they were in agreement but that they just want to check on whether there is 60% interest for a petition within the total annexation and that they were also interested in a regularly shaped boundary.

It was noted that State law requires that a petition be circulated within 60 days and that the matter tonight should either be postponed or allowed to die.

Councilor Cundiff moved that the Neartown and Southeast Annexations be postponed for sixty days, with the understanding the proponents will work on obtaining more signatures for the total area to be annexed, to determine the amount of interest in annexing. Councilor Pedersen seconded and the motion passed unanimously.

### **3. Firstmark Corporation Annexation.**

City Planner Corcoran described the boundaries of the proposed annexation and noted that a 90% sufficiency of petition has been received. The request is that a public hearing be set for 4/23/90.

Councilor Lashua moved that Resolution #1414 be adopted, setting a public hearing date of 4/23/90 for the Firstmark Corporation Annexation. Councilor Baxter seconded.

After City Attorney Allendoerfer pointed out that the resolution includes Firstmark's participation in a proposed LID on 67th, the motion passed unanimously.

### **4. Butchart Annexation.**

City Planner Corcoran referred to the packets for the vicinity map and noted that the proponents are requesting the resolution method of annexation whereby a referendum petition need only be signed by 10% of the voters who voted in the last general election for sufficiency and must be submitted to the voters of the area within 90 days of filing of the petition. He stated staff is recommending denial of this request because there is very little interest in the annexation from residents of the area. City Attorney Allendoerfer noted that the putting of this issue on the ballot would be at the City's cost, also. (About \$20,000)

## MARYSVILLE CITY COUNCIL MINUTES

MARCH 26, 1990

Page 4

Mark Palmer of Development Associates, Bothell, addressed Council representing the proponents and stated they did not realize that this annexation involved a possible referendum and therefore withdrew that portion of the annexation request. Further, he stated that the actual area is mostly vacant land and they are mainly looking for permission to bring in City water and sewer; that they do not want to cause the City any expense and they also do not want to create an island.

City Attorney Allendoerfer reiterated that the area is within RUSA and therefore entitled to City water and sewer. Discussion followed about the petition and resolution methods of annexation, BRB approval, sewer up to 71st (Brookwood Heights), this would not be infilling, retraction of annexation/resolution request. It was noted that there is very little interest in annexation within the proposed Butchart Annexation area.

City Planner Corcoran recommended possibly combining this with the Griffore Annexation. Mr. Palmer confirmed that they would be able to obtain City water and sewer and then stepped down.

LEGAL MATTERS:

City Attorney Allendoerfer stated Citicorp is looking to the City to pay a \$150 document origination fee regarding the court computer system that was originally going to be leased. He said legally, the City probably does not have to pay the fee as they have now purchased the equipment however Citicorp did put a lot of time into drawing up the papers and Phil Dexter signed a document stating the City would be liable for this fee.

After brief discussion, it was the consensus that the City should pay the \$150 fee.

ORDINANCES & RESOLUTIONS:**1. Ordinance Relating to Abandoned, Unauthorized & Junk Vehicles.**

City Attorney Allendoerfer explained this updates a previous ordinance regarding junk vehicles. Discussion following regarding time limits, criteria regarding inoperable/junk, prosecution, enforcement, complaints, hiring a part time police officer to enforce sign ordinance, junk car ordinance, etc.; vehicles for sale along State on private property between K-Mart & Fred Meyer.

Councilor Weiser moved and Councilor Baxter seconded to approve/adopt Ordinance #1769. Passed, with Councilor Lashua opposing.

**2. Ordinance Relating to Special Licenses for Theaters, Carnivals and Entertainment.**

City Attorney Allendoerfer explained this is repealing an old ordinance because the Business License process has now superseded.

Councilor Cundiff moved and Councilor McGee seconded to approve/adopt Ordinance #1770. Passed unanimously.

**3. Ordinance Relating to Special Licenses for Amusements and Concessions.**

City Attorney Allendoerfer explained this is repealing an old (about 1900) law that has now been superseded by the Business License ordinance.

Councilor Weiser moved and Councilor McGee seconded to adopt/approve Ordinance #1771. Passed unanimously.

**4. Ordinance changing effective date of Ordinance #1755 (Hotel/Motel Tax) from February 1, 1990 to April 2, 1990, at the Request of the Dept. of Revenue.**

Councilor Weiser moved and Councilor McGee seconded to approve/adopt Ord.#1772. Passed unanimously.

MARCH 26, 1990

Page 4

MARYSVILLE CITY COUNCIL MINUTES  
MARCH 26, 1990  
Page 5

STAFF'S BUSINESS:

**1. Final Plat of Crystal Terrace.**

City Planner Corcoran presented the final plat of Crystal Terrace which is a 34 lot PRD with vested sewer rights. He described the location and stated it meets all City requirements, has pipes in the ground, asphalt is down and the width of street dispute has been settled.

Councilor Weiser moved that the Mayor be authorized to sign the mylar and Councilor Lashua seconded the motion. Passed unanimously.

**2. Munson Creek Div. V & VI - Final Plat.**

City Planner Corcoran described the location as between the golf course and Costa's property, noting that it has vested sewer rights, pipes are in the ground, bonded, 55 lot PRD and there is a donation to the Parks Dept. of some open space.

Councilor Cundiff moved and Councilor Lashua seconded to authorize the Mayor to sign off on the Final Plat of Munson Creek Div. V & VI. Passed unanimously.

Public Works Director Zabell reported that the 5th lane is in on 528 and that a signal light at 92nd & State is scheduled for 1992 or 1993. He said forming an LID is a possibility and that Pay N Pak are already committed by participating in the cost of the signal light.

City Administrator Sanden reported that a response is being sent to the Dept. of Health regarding the water study; they are asking about Marysville's service area agreement with the City of Arlington in the north end, water and sewer lines, and it was clarified that the sewer lines are to be transferred only.

Discussion followed regarding the Petunia District having water only, that sewer lines were discussed only in the RUSA meetings, the situation with the Stillaguamish Well not having been resolved yet.

City Administrator Sanden stated the problem with the Stillaguamish Well is that Arlington can filter and treat it, Marysville can't at this point and that was why Marysville chose to go with the Everett pipeline and because we are not using the Stilly Well on a regular basis, DOH does not want Marysville to use it all.

Councilor Baxter noted that it is a good source to have in the event of emergencies and questioned DOH's right to expect Marysville to abandon in light of all the time and money that we have invested in the Stilly Well. City Administrator Sanden pointed out that Marysville could sell the well but Councilor Baxter said he would like to see a guaranteed alternative source before we sell the Stilly Well.

Councilor Weiser asked if an intertie is possible with Arlington and City Administrator Sanden said yes it is and in fact is recommended, however filtration, etc. has to be explore further and staff has a proposal that would allow Marysville to get off the Stilly by the fall of 1994, the problem is DOH do not want to approve an unfiltered system--they want is to disconnect, filter or work with Arlington.

There was further discussion about Marysville being penalized, that this agreement is poor PR for Marysville, that the Executive Session/lawsuit discussion will tie in with this topic.

MAYOR'S BUSINESS:

The Mayor offered comments regarding Councilors Pedersen and Wright being recently recognized, Officer Dennis' retirement from the police force, recent DARE graduation.

MARYSVILLE CITY COUNCIL MINUTES  
 MARCH 26, 1990  
 Page 6

CALL ON COUNCILMEMBERS:

Councilor Lashua noted that he has seen more and more "blatant" real estate/open house signs lately, in particular Richard James Realty, that are in violation of the sign ordinance.

Councilor Wright mentioned getting a lot of phone calls regarding the adult books/novelty business.

Councilor Pedersen asked if the Friday Briefings could be put in with the packets in order to save time and money. City Administrator Sanden said she would do so in future.

Councilor Baxter said he also had a lot of "flack" about the adult bookstore.

Councilor Weiser reported recent attendance at the Christopher Funk Orthopedic Guild Auction and said he noted Officer Lamoureux is not only the DARE officer and fulltime police officer, he gives freely of his spare time to the community by being allowed to be auctioned off for a lunch with him! Councilor Weiser also reported on a recent Snohomish County Tomorrow meeting he attended with Councilor Lashua, noting they are still setting ground rules and had decided to have two representatives from County government --Brian Corcoran and Peter Hurley.

Councilor Lashua added that the Steering Committee is made up of a representative from each city plus representation from industry --the next meeting is 4/14/90. There was discussion about the funding for Snohomish County Tomorrow and it was noted that the county has put up \$50,000 and they will probably be looking to local cities for further funding once that dries up.

Councilor McGee asked about the status of the wage review and City Administrator Sanden said the City Council and Dept. Heads have been interviewed and the next step is to set up a meeting with the Council sub-committee. She said she would check with Bob Braun. She also said she would follow up on the microphones.

Councilor Weiser invited others to tour the Y facilities tomorrow with him at 9:15 a.m.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:05 p.m.

Status of pipeline.

RECONVENE & ADJOURN: Approx. 9:30 p.m.

Accepted this 2nd day of April, 1990.

Lita Matheny  
 MAYOR

Mary B. Swenson  
 CITY CLERK, Deputy

Wanda A. Swenson  
 RECORDING SECRETARY