

March 10, 2003

Marysville City Council  
7:00 p.m.

000257 AM  
000303 Public Safety Center

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
<b>Approval of Minutes</b>	
February 24, 2003 City Council Meeting	Approved
March 3, 2003 City Council Work Session	Approved
<b>Consent Agenda</b>	
Approval of March 10, 2003 Claims in the Amount of \$964,048.76; Paid by Check No. 5810 through 6030 with Check No. 5126, 5640, 5668, 5863, 5912, 5913, and 5201 Void.	Approved
Approval of March 5, 2003 Payroll in the Amount of \$756,230.84; Paid by Check No. 10263 through 10348 with Check No. 10335 Cancelled.	Approved
Authorize Mayor to Sign Lease Agreement with IOS Capital for Cannon Image Runner 105.	Approved
Accept the Ballenger Property Improvements Project as Complete and Begin 45-Day Lien Filing Period.	Approved
Authorize Mayor to Sign Cooperative Purchasing Agreement For Purchase of Electronic Waste Recycling Services with City of Lynnwood.	Approved
Award Bid for 2003 Project for Advance Procurement of Trees to Pacific Plants, Inc. in the Amount of \$14,853.65 including Washington State Sales Tax, Authorize Mayor to Sign Contract, and Approve a 7.7% Management Reserve of \$1,146.35 for a Total Allocation of \$16,000 for the 2003 State Avenue Project for Advance Procurement of Trees.	Approved
Approval of Truck Route Modification; Removal of 67th Avenue Route (from SR528 south to the 7500 Block of 44th Street).	Approved
Authorize Mayor to Sign Consulting Services Agreement with Jones & Stokes for 2003 Wastewater Treatment Plant Wetland Mitigation.	Approved
Authorize Mayor to Sign Addendum No. 1 to Professional Services Agreement for Surface Water Comprehensive Plan and Surface Water Utility Rate Study.	Approved
<b>New Business</b>	
Approval of Adoption of Revised Cross-Connection Control Program.	Approved
Approval of the city's Water System Plan and to direct the City Attorney to draft an ordinance.	Approved
<b>Adjournment</b>	7:30 p.m.
<b>Executive Session</b>	7:40 p.m.
1. Personnel	
2. Pending Litigation	
<b>Adjournment</b> No Action	8:10 p.m.

**MARYSVILLE CITY COUNCIL MEETING****March 10, 2003****7:00 P.M.****Public Safety Center****CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor David Weiser called the March 10, 2003 meeting of the Marysville City Council to order at 7:00 p.m. He then led the assembly in the Pledge of Allegiance.

**INVOCATION**

Pastor Kanehen from the Marysville Free Methodist Church led the assembly in the invocation.

**ROLL CALL**

Mary Swenson, Chief Administrative Officer, called the roll. The following councilmembers and staff members were in attendance:

**Council:** Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers: Suzanne Smith, John Soriano, Jon Nehring, Jeff Seibert, Donna Wright, and Lisa Vares.

**Staff:** Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director, and Jim Ballew, Parks and Recreation Director.

**COMMITTEE REPORTS**

Councilmember Mike Leighan updated Council on the Public Safety Committee. There was discussion on establishing a K-9 unit for narcotics in Marysville. They had a demonstration from the City of Everett. Their dog had recovered drug seizures in cash with a value of \$250,000 last year. There was also discussion about training the dog versus obtaining a pre-trained dog. Other topics discussed at the meetings were:

- The citizen radar program that will be doing random radar checks.
- The Citizens Academy is in its third week of classes.
- Members of the City and the police department will be participating in a motorcycle ride fundraiser for Special Olympics.
- Commander Krusey obtained \$11,000 worth of surplus gas masks for the City at no cost.
- Enforcement of the 2-hour parking on Third Street.

Councilmember Jeff Seibert reported on the Facilities Committee meeting. He mentioned that they toured Public Works to see how construction is progressing. The Allstate Building upstairs is almost finished at a considerable savings to the original estimates. He

commended the staff for the tremendous savings and noted that construction is slated to be completed at the end of July.

## AUDIENCE PARTICIPATION

Ed Mohs, 1214 Beach Avenue, Marysville, WA.

Mr. Mohs first thanked the Mayor, Council, and staff for approving and constructing the Skate Park facility. He commented that it is used frequently; looks clean, and the recent changes appear to be working.

He then thanked Council for the Marysville University class on Meth. He said it was excellent and is a good way to proactively approach this issue.

Next Mr. Mohs discussed youth activities and the Neutral Zone. He encouraged the City to advance some form of the Neutral Zone similar to what is found in Mountlake Terrace. He suggested having a Council Youth Advisory Representative position that would be a non-voting position to be a youth advisor on the City Council.

Mr. Mohs said he is not in favor of the Lakewood Annexation. He said that the City is already having a tough time maintaining existing services and infrastructure and has an assumed image problem.

Finally he mentioned the Brightwater Wastewater Treatment Siting Project. He said there could be some items of eminent domain issues that may be arising between King County and Snohomish County.

## APPROVAL OF MINUTES

### A. February 24, 2003 City Council Meeting

Councilmember John Soriano referred to page 4, 3<sup>rd</sup> paragraph, *higher assed value* should be *higher assessed value*.

**Motion** by Councilmember Leighan, second by Councilmember Soriano to approve the February 24, 2003 City Council Meeting minutes as amended. **Motion** passed unanimously (7-0).

### B. March 3, 2003 City Council Work Session

Councilmember Seibert noted that on page 6, tab D should be *Councilmember Soriano*, not *Seibert*.

**Motion** by Councilmember Lisa Vares, second by Councilmember Seibert to approve the March 3, 2003 minutes as corrected. **Motion** passed 6-0 with Councilmember Jon Nehring not voting, as he was not present at the work session.

## CONSENT AGENDA

Mayor Weiser asked if anyone in the audience wished to remove any of the Consent Agenda Items for further discussion. He then asked if any Councilmembers wished to remove any of the items. Councilmember Mike Leighan had a question about the claims and asked if they would be getting a detailed explanation of charges. Sandy Langdon said they are working on report generation and hope to have that soon.

**Motion** by Councilmember Leighan; second by Councilmember Donna Wright to approve Consent Agenda Items A – I. **Motion** passed unanimously (7-0).

- A. Approval of March 10, 2003 Claims in the Amount of \$964,048.76; Paid by Check No. 5810 through 6030 with Check No. 5126, 5640, 5668, 5863, 5912, 5913, and 5201 Void.**
- B. Approval of March 5, 2003 Payroll in the Amount of \$756,230.84; Paid by Check No. 10263 through 10348 with Check No. 10335 Cancelled.**
- C. Authorize Mayor to Sign Lease Agreement with IOS Capital for Cannon Image Runner 105.**
- D. Accept the Ballenger Property Improvements Project as Complete and Begin 45-Day Lien Filing Period.**
- E. Authorize Mayor to Sign Cooperative Purchasing Agreement For Purchase of Electronic Waste Recycling Services with City of Lynnwood.**
- F. Award Bid for 2003 Project for Advance Procurement of Trees to Pacific Plants, Inc. in the Amount of \$14,853.65 including Washington State Sales Tax, Authorize Mayor to Sign Contract, and Approve a 7.7% Management Reserve of \$1,146.35 for a Total Allocation of \$16,000 for the 2003 State Avenue Project for Advance Procurement of Trees.**
- G. Approval of Truck Route Modification; Removal of 67th Avenue Route (from SR528 south to the 7500 Block of 44th Street).**
- H. Authorize Mayor to Sign Consulting Services Agreement with Jones & Stokes for 2003 Wastewater Treatment Plant Wetland Mitigation.**
- I. Authorize Mayor to Sign Addendum No. 1 to Professional Services Agreement for Surface Water Comprehensive Plan and Surface Water Utility Rate Study.**

## NEW BUSINESS

- A. Adoption of Revised Cross-Connection Control Program.**

Public Works Director Jim Owens had nothing further to add. There were no questions of staff. Mayor Weiser then solicited audience comment. There were none.

**Motion** by Councilmember John Soriano, second by Councilmember Lisa Vares to approve the Adoption of Revised Cross Connection Control Program. **Motion** passed unanimously (7-0).

**B. Adoption of the Water System Plan.**

Public Works Director Owens had nothing further to add. There were no questions of staff or public comments.

Councilmember Mike Leighan noted he was very impressed with the document.

**Motion** by Councilmember Leighan, second by Councilmember Vares to approve the City's Water System Plan and to direct the City Attorney to draft an ordinance.

**Motion** passed unanimously (7-0).

**INFORMATION ITEMS**

**A. Mayor's Business.**

Mayor Weiser noted the Puget Sound Regional Council General Assembly Meeting would be held on Thursday, March 20 at the Seattle Center. He then asked anyone interested in attending to contact Lillie Lein at City Hall.

He then mentioned that Maryfest has changed its program. Prior to this year they have been bringing royalty candidates to several meetings. This year they have asked that the City provide three judges for the royalty crowning on March 20. Councilmember Lisa Vares, John Soriano, and Mike Leighan indicated they would be interested in attending and volunteering to serve as pageant judges.

**B. Staff Business.**

**Jim Ballew:** nothing.

**Jim Owens:** nothing.

**Gloria Hirashima:** nothing.

**Grant Weed:** nothing.

**Mary Swenson** had several items to share. She said the first meeting of the committee to look at gambling is scheduled for March 26<sup>th</sup> at City Hall. She noted that there had been four citizens submitting letters of interest to serve on the committee and all were notified of the upcoming meeting.

She mentioned that AWC is holding a workshop on Making a Difference in Council Communication on March 26 at Sea-Tac.

Ms. Swenson then commented that the new Visitors Guide came out and looks very good. Community Information Officer Doug Buell was commended for the project.

Ms. Swenson noted that Council has been interested in having an attorney from Foster Pepper and Shefelman give a presentation on tribal issues to Marysville, Arlington, and Stanwood. This might be on April 7 or 8 or near the end of April. She will check with Arlington and Stanwood and report back to Council.

Finally she noted that the City has training scheduled for managers and supervisors. The Fire District will also participate in this 2-day intensive training on March 18<sup>th</sup> and 19<sup>th</sup>.

**Sandy Langdon** pointed out that under Tab 18 was the Grants Update as requested by Council.

**C. Call on Councilmembers.**

**Mike Leighan:** nothing.

**Suzanne Smith:** nothing.

**John Soriano:** nothing.

**Jon Nehring** asked if anyone from Council was on the Gambling Committee. Ms. Swenson indicated that there were no councilmembers involved at this point. Councilmember Suzanne Smith asked for copies of the letters of interest submitted by the citizens on the committee.

**Jeff Seibert** referred to a letter received from Snohomish County Council asking for the City's comments. He had questions about some of the recommendations made in the letter. Community Development Director Gloria Hirashima said this topic, Reasonable Measures, was discussed by the Planning Advisory Committee at the last meeting and applies to the measures that would be taken to address population estimates in lieu of expanded urban growth boundaries. Councilmember Seibert noted he was in opposition to some of the recommendations in this letter.

**Donna Wright** referred to the attractive "Palm Tree" cell towers in San Diego and suggested disguising them in some way in Marysville.

**Lisa Vares:** nothing.

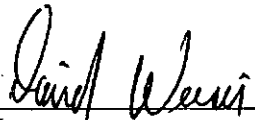
**ADJOURNMENT**

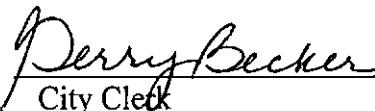
The meeting was adjourned into Executive Session at 7:30 p.m. Mayor Weiser noted that there was one personnel issue and one potential litigation issue. The Executive Session was scheduled to begin at 7:40 p.m. and to last about 30 minutes.

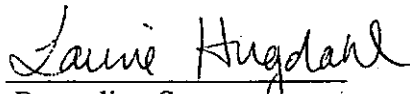
**EXECUTIVE SESSION**

Council convened into Executive Session at 7:40 p.m., discussed one personnel issue and one pending litigation issue, reconvened into Regular Session at 8:10 p.m., took no further action, and adjourned.

Approved this 24<sup>th</sup> day of March, 2003.

  
\_\_\_\_\_  
Mayor  
David Weiser

  
\_\_\_\_\_  
City Clerk  
Gerry Becker

  
\_\_\_\_\_  
Recording Secretary  
Laurie Hugdahl

**MARYSVILLE CITY COUNCIL WORK SESSION**

**March 3, 2003**

**7:00 p.m.**

**Public Safety Center**

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor Weiser called the March 3, 2003 Work Session of the Marysville City Council to order at 7:00 p.m. As there was no pastor present the Mayor dispensed with the invocation.

**ROLL CALL**

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

**Council:** Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers: Suzanne Smith, John Soriano, Jeff Seibert, Donna Wright, and Lisa Vares.

**Staff:** Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director; Kevin Nielsen, Interim Assistant City Engineer; and Larry Larson, Public Works Superintendent.

The excused absence of Councilmember Jon Nehring was noted.

**COMMITTEE REPORTS**

Councilmember John Soriano updated Council on his meeting with the Governmental Affairs Committee today. At the meeting they discussed items to review with Arlington at the next Governmental Affairs morning meeting. They went over the resolution with Arlington and they realize that it needs to be modified and revised. There was also discussion of a possible public-private partnership on regional detention. Councilmember Soriano said that they also discussed the possibility of bringing up discussion of the Management Team again.

**ACTION ITEMS**

**A. Recovery Contract for Trunk D Phase II Lift Station and Force Main.**

Councilmember Jeff Siebert had some questions about the pro-rata share indicated. City Attorney Grant Weed explained this to his satisfaction.

Mayor Weiser solicited public comment. There was none.



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**Motion** by Councilmember Donna Wright, second by Councilmember Mike Leighan to approve Utility Recovery Contract #251 for Trunk D Phase II Lift Station and Force Main. **Motion** passed unanimously. (6-0).

**B. Contract for Recovery of Utility Construction Costs for 10" Sewer Line.**

Councilmember Seibert referred to page 2, #7A regarding property not in city limits. He wondered if the city would be able to recover this if its annexation policy changed at a future date. City Attorney Weed indicated that any future ordinance would be constructed so as to supercede this.

Mayor Weiser solicited public comment. There was none.

**Motion** by Councilmember Mike Leighan, second by Councilmember John Soriano to approve Recovery Contract 252 for Recovery of Utility Construction Costs for 10" Sewer Line. **Motion** passed unanimously (6-0).

**C. Contract for Recovery of Utility Construction Costs for 21" Sewer Line.**

Councilmembers had no questions of staff. Mayor Weiser solicited public comment. There was none.

**Motion** by Councilmember Donna Wright, second by Councilmember Lisa Vares to approve Recovery Contract 253 for Recovery of Utility Construction Costs for 21" Sewer Line. **Motion** passed unanimously (6-0).

**CONSENT**

**A. Approval of March 10, 2003 Claims.**

**B. Approval of March 5, 2003 Payroll.**

**C. Authorize the Mayor to Sign Lease Agreement with IOS Capital for Cannon Image Runner 105.**

Councilmember Suzanne Smith had concerns about the location of the proposed copier/printer. Mary Swenson explained that staff had discussed having a downstairs workroom, which will improve the efficiency for those involved. Finance Director Sandy Langdon added that they will be eliminating a lease so will actually be saving money with this upgraded copier.

There were no further comments or questions regarding this item.

**D. Accept the Ballenger Property Improvements Project as Complete and Begin 45-Day Lien Filing Period.**

Councilmember Suzanne Smith asked if the Cleator's had been contacted. Mayor Weiser indicated he had not talked with them yet, but he would soon.

There were no further comments or questions regarding this item.

**E. Authorize Mayor to Sign Cooperative Purchasing Agreement for Purchase of Electronic Waste Recycling Services with City of Lynnwood.**

Councilmember Lisa Vares asked about the fact that there were no prices mentioned within the agreement. Public Works Director Jim Owens explained that Lynnwood was still working on the bid and that Council was being asked to approve only the services.

Councilmember Mike Leighan asked if all electronics would be handled in this way. Larry Larson, Public Works Superintendent, explained that since the one-time pickup the city has only received a few items. Councilmember Leighan suggested a yearly roundup of personal equipment so it doesn't end up in vacant lots. Mr. Larson mentioned a program being discussed called the Take It Back Program in which consumers pay a deposit that is then returned to them upon return of the equipment to the manufacturer. Councilmember Leighan added that until this is in place perhaps the city should consider some way – such as an annual pickup - to collect the items.

There were no further comments or questions on this item.

**REVIEW BIDS**

**A. 2003 State Avenue Contract Grow Project.**

Councilmember Jeff Seibert inquired if this amount would be taken out of the total budget. Mayor Weiser explained that there is a separate grant providing at least some of the funding for this tree project.

**NEW BUSINESS**

**A. Adoption of Revised Cross-Connection Control Program.**

**B. Adoption of the Water System Plan.**

Kevin Nielsen, Interim Assistant City Engineer, introduced the Adoption of Revised Cross-Connection Control Program and the Adoption of the Water System Plan. He thanked Public Works Superintendent Larry Larson and Utilities Maintenance/Solid

Waste Supervisor Terry Hawley for their hard work. He then introduced Melinda Friedman of Economic and Engineering Services, Inc. (EES) located in Bellevue.

Ms. Friedman gave an update of the 2002 Water System Plan. She reviewed the WSP approvals obtained thus far. She noted that the updated WSP is consistent with the Marysville Comprehensive Plan, Growth Management Act, County Comprehensive Plan, Marysville Zoning Ordinance and the North Snohomish County CWSP. She reviewed the major elements of the Plan including: Description; Related Plans and Policies; Demographics and Population; Projected Demand; Conservation Activities; Water Rights; Source Reliability/System Analysis; Regulatory Compliance; Operations and Maintenance; Capital Improvements; and Financial Planning. Other Planning Documents included in the Appendices are: Contingency Plan for Water Supply Disruptions, Disinfectant/Disinfection By-Product Plan; Cross Connection Control Program; Watershed Protection Plan – Stillaguamish; and Wellhead Protection Plan – Groundwater Supplies.

Ms. Friedman then went on to describe the water system's future in terms of demographic projections derived from Central Puget Sound Regional Water Supply Outlook. With regard to the forecast for the demand for water, she said it appears there is an adequate supply for future uses. The city is in compliance with all existing, applicable regulations and the city is positioned to meet foreseeable regulations for Groundwater and Surface Supplies and Distribution System. She reviewed Capital Improvements and stated that no significant changes are needed and that there would be no rate increase needed above what has already been approved.

Ms. Friedman then went over the WSP objectives that have been achieved such as:

- Regulatory requirement fulfilled
- Provided planning document consistency
- Provided needed watershed, well head and contingency planning and documentation
- Provided direction for meeting regulatory planning requirements (D/DBP and CC Control)
- Useable document for utility staff
- Verified capital needs and utility financing.

Next she reviewed Marysville's Cross-Connection Control Program (CCP). She said the authority of the CCP is established in MMC Chapter 14.10. The CCP is based on Premise Isolation: Where cross-connections cannot be eliminated or fully evaluated, service connections are "isolated" by installation of backflow prevention assemblies. Such devices are logged in a database and tested annually. She explained the recent changes to CCP requirements by DOH. The main emphasis is that the DOH is requiring better communication between the city and local administrative authorities. The only recommendations they had for the Cross-Connection Control Program were minor and included: finalizing a formal agreement with Marysville Fire District, regarding evaluation and isolation of fire sprinkler systems, finalizing formal

agreements with Snohomish County and Snohomish Health District, regarding cross-connection control for services located outside city limits; and developing protocol and schedules for evaluation of residential and irrigation systems. In conclusion, Ms. Friedman thanked the City of Marysville and the water utility staff for their professionalism, guidance, input, and responsiveness that made the preparation of this WSP a successful and enjoyable project.

*Discussion:*

Councilmember Seibert asked if they included the Tulalip Tribes when reviewing other purveyors. Ms. Friedman indicated that they did. There was then some discussion about whether or not Everett's increased rates were being factored into this Plan. Next Councilmember Seibert referred to the CCP's list of purveyors and asked if the Tribes were on that list with which the city needs to create an agreement. Interim Assistant City Engineer Kevin Nielsen affirmed that this was the case and added that the Tribes are modeling theirs after the city's.

City Attorney Weed asked if the city would need to prepare an adopting ordinance. Community Development Director Gloria Hirashima stated that it would require an ordinance. It might possibly be an emergency ordinance or a budgetary ordinance.

Councilmember Lisa Vares referred to section 5.5 which described problems the staff found with production. Ms. Friedman said they didn't see it as a major issue. Public Works Superintendent Larson also commented that they would be installing a new flow meter at Edwards Springs.

Councilmember Vares then referred to section 3.17, which discusses the Annexation Policy. She asked if this would affect their adoption of a new policy. Mr. Nielsen discussed how the manual would need to be highly revised if changes were made to the service area boundary. Councilmember Seibert also referred to section 3.17 which states that the city's intent is to annex. City Attorney Weed commented that things are in a state of flux because of the Supreme Court decision, which is why the Council adopted the Interim Annexation Policy. He said this document is consistent with the city code, but would need to be a living document as city code changes and state regulations change. Councilmember Siebert wondered if the Plan was binding or if the code was binding. Mr. Weed answered that they need to be looked at together. Councilmember Seibert wanted to make sure that adopting this plan would not exclude the city from changing its policy regarding hookups outside the city. Mr. Weed replied that it would not, but that it would likely need substantial revisions.

Councilman Leighan wondered if someone else could provide water outside the city if the city decided not to serve that area. There was some discussion about this issue. Councilmember Smith noted that her understanding was that the changes would not be to the service area, but to the conditions necessary for hookup. Mr. Weed explained that just because the city refuses to provide water does not mean the area cannot get

water. There are default purveyors who would be able to provide services to the areas but there was a process involved with this. Mr. Nielsen commented that sewer is generally the service that is not provided until annexation occurs. Water is not usually a service over which smaller cities bargain.

There was no further discussion on this issue.

**C. Truck Route Modification; Removal of 67th Avenue Route (44th and SR 528).**

Councilmember Seibert asked if the intent of this is to discourage trucks from the area. Mayor Weiser indicated that was correct. He added that trucks can still use it if they are making a delivery.

Councilmember Suzanne Smith noted that Jim Owens wrote a letter to Mr. Palombo in January. She suggested that he write another letter letting Mr. Palombo know where the city was in the process. Mr. Owens agreed that this was a good idea.

**D. 2003 Wastewater Treatment Plant Wetland Mitigation Monitoring; Jones & Stokes Associates.**

Councilmember <sup>S/B Soriano</sup> Seibert noted a spelling correction on Task Item 1.3.

CORRECTED: SEE 3/10/03  
MAY 7/03  
JKW

There was no further discussion on this item.

**E. Addendum to Surface Water Comprehensive Plan and Surface Water Utility Rate Study.**

Councilmember Seibert suggested skipping the Public Works Committee before this comes to the whole Council in the interest of time and money. Councilmember Smith agreed that it would be a good idea to skip the Public Works Committee.

**INFORMATION ITEMS**

**A. Mayor's Business**

The Mayor informed Council that the Puget Sound Regional Council would be having its annual meeting at the Seattle Center on March 20. He thought the meeting started at 2:30 p.m. or 3:00 p.m. until about 5:30 p.m. when it would be followed by a reception and dinner. He asked Council to RSVP to Lillie Lein at City Hall if anyone was interested in attending.

**B. Staff Business**

**Sandy Langdon** – nothing.

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**Gloria Hirashima** – nothing.

**Mary Swenson** said they were hoping to finalize data on the meeting to discuss tribal issues. She also said that the meeting with the Marysville School District would be on March 26<sup>th</sup>.

**Grant Weed** – nothing.

**Jim Owens** – nothing.

### **C. Call on Councilmembers**

**John Soriano** – nothing.

**Suzanne Smith** commended the Planning Department on the letter they received praising their excellent work.

She thanked staff for the information on the Doleshel Farm. She wanted to discuss this further. It was determined that this issue would be better discussed in Executive Session.

Ms. Smith then referred to a letter she received from Senior Friends. Mary Swenson said that the check had been returned to Home Depot as it had been made out to both the City and Senior Friends.

**Mike Leighan** – nothing.

**Lisa Vares** – nothing.

**Donna Wright** noted she would miss the Public Safety Committee because she will be out of town.

**Jeff Seibert** also commended Community Development staff on the letter her department received.

Mr. Seibert gave an update on the SR529 bridge project. He said that it was being tested tonight.

### **ADJOURN**

The Work Session was adjourned into Executive Session at 8:07 p.m.

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**EXECUTIVE SESSION**

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Council met in Executive Session at 8:15 p.m., discussed one real estate issue, and one potential litigation issue. Council reconvened into regular session at 9:00 p.m., took no further action, and adjourned.

Approved this 10<sup>th</sup> day of March, 2003.

<u>David Weiser</u>	<u>Gerry Becker</u>	<u>Laurie Hugdahl</u>
Mayor	City Clerk	Recording Secretary
David Weiser	Gerry Becker	Laurie Hugdahl

Marysville City Council

February 24, 2003

7:00 p.m.

000234AM  
000280

CORRECTED: SEE 2/10/03  
MINUTES 5/13/03

Public Safety Center

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	7:00 p.m.
<b>Approval of Minutes</b>	
February 8, 2003 City Council Workshop	Approved
February 10, 2003 City Council Work Session	Approved
February 18, 2003 City Council Work Session	Approved
<b>Consent Agenda</b>	
Approval of February 24, 2003 Claims in the Amount of \$1,844,439.14; Paid by Check No. 5513 through 5809 and ETF Payment #2 with Check No. 5512 Void.	Approved
Approval of February 20, 2003 Payroll in the Amount of \$477,990.82; Paid by Check No. 10182 through 10262.	Approved
Approval of New Liquor License for Cedar Crest Family Restaurant & Grill.	Approved
Approval of Liquor License Renewals for 7-Eleven #2306-18861E 1114 State Avenue, and First Stop Food Mart, 70 State Avenue, Suite B.	Approved
Authorize Mayor to Sign Grant Application for Snohomish County Center for Battered Women.	Approved
Approval of Final Plat of Cedar Hills and Authorize Mayor to Sign the Final Plat Mylar.	Approved
Authorize Mayor to Sign Award Document of the Washington State Department of Social & Health Services, Juvenile Accountability Incentive Block Grant.	Approved
Approval of Completion of a Constructability Review of the WWTP Phase II Improvements and Authorize Mayor to Sign the Professional Services Agreement with the Harris Group.	Approved
<b>New Business</b>	
Approval of Annexation Policy, Draft No. 2	Approved Resolution 2088
Approval to direct staff to come back with a resolution initiating the Lakewood Annexation PA 0105029 by the election method and to finalize the perimeter boundary including the Lakewood School District.	Approved
Approval of Dale Gribble Annexation PA 0101004 for the non-expanded boundary by Council resolution and to direct City staff to return with a resolution and to prepare a perimeter legal description.	Approved
<b>Information Items</b>	
Approval of the reappointment of Robert Bell to the Park Board	Approved
Approval to bring back the discussion within thirty days on a utility ordinance to discuss how utilities are served outside the city limits and what that should look like.	Approved
<b>Adjournment</b>	9:14 p.m.
<b>Executive Session</b>	9:25 p.m.
Discussed three pending litigation issues. No Action.	
<b>Adjournment</b>	9:39 p.m.



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000281

## MARYSVILLE CITY COUNCIL MEETING

February 24, 2003

7:00 P.M.

Public Safety Center

### CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Weiser called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

### INVOCATION

There was no minister present so Mayor Weiser dispensed with the invocation.

### ROLL CALL

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

**Council:** Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers: Suzanne Smith, John Soriano, Jon Nehring, Jeff Seibert, Donna Wright, and Lisa Vares.

**Staff:** Robert Carden, Police Chief; Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Chris Holland, Senior Planner; Larry Larson, Public Works Superintendent, and Jim Ballew, Parks and Recreation Director.

### COMMITTEE REPORTS

Councilmember Jon Nehring reported that he met with the Finance Committee where they discussed the Hotel/Motel Grant applications that will be coming soon to Council. He commended the Finance Department and especially Finance Director Sandy Langdon for getting the new financial software system up and running. They also discussed the loan and the bond-free work for the restaurant, State Avenue project, the Allstate Building and the water and sewer upgrades. They also had an update of the grants. Mr. Nehring said he would provide a complete list of grants for anyone who wanted a copy.

Councilmember John Soriano reported on attending the LEOFF I Committee meeting which reviewed three claims and discussed the board policy.

### PRESENTATIONS

**Swearing-In New Officer: James Spickelmire.**

Mayor Weiser performed the swearing-in ceremony for James Spickelmire and welcomed him into the city's Police Department.

### **Service Award Presentations.**

**Shane Freeman** - The 10 year service award was announced for Shane Freeman of the Wastewater Treatment Plant who was unable to attend the meeting.

**John Buell** - Terry Hawley, Utilities Maintenance Supervisor, wholeheartedly commended Mr. Buell and gave a thorough history of his service with the city. He applauded him for his hard work, dedication and skills. Mr. Hawley thanked Mr. Buell for his time and trustworthiness in working with the city for 15 years. He concluded by citing examples of Mr. Buell's outstanding commitment to quality, service and productivity. Mayor Weiser then awarded Mr. Buell with a plaque commemorating his years of service with the city.

### **AUDIENCE PARTICIPATION**

Mayor Weiser solicited audience participation. Seeing none he moved on to Approval of the Minutes.

### **APPROVAL OF MINUTES**

#### **A. February 8, 2003 City Council Workshop.**

Councilmember Jeff Seibert referred to the last paragraph on page 4. The sentence reads, "Ms. Swenson asked if there was the ability to allow hooking into the cemetery sewer..." It should say, **sanitary sewer**.

**Motion** by Councilmember Nehring, second by Councilmember Mike Leighan to approve the minutes as amended. **Motion** passed unanimously (7-0).

#### **B. February 10, 2003 City Council Work Meeting.**

Councilmember Seibert referred to page 13. The second sentence says, "they have been able to cut ~~their garbage service~~ in half." This should read, "they have been able to **cut the time to service the garbage trucks** in half."

**Motion** by Councilmember Seibert, second by Councilmember Suzanne Smith to approve the minutes as amended. **Motion** passed unanimously (7-0).

#### **C. February 18, 2003 City Council Work Session.**

Councilmember Seibert noted that on the last page under Information Items. The second paragraph says, "~~Phase-2~~". This should be "**Phase 1**".

Councilmember Soriano noted that he would not be voting on the February 18<sup>th</sup> minutes, as he was absent from the work session.

**Motion** by Councilmember Lisa Vares, second by Councilmember Suzanne Smith to approve the minutes as amended. **Motion** passed (6-0) with Councilmember Soriano abstaining.

## CONSENT AGENDA

- A. Approval of February 24, 2003 Claims in the Amount of \$1,844,439.14; Paid by Check No. 5513 through 5809 and ETF Payment #2 with Check No. 5512 Void.**
- B. Approval of February 20, 2003 Payroll in the Amount of \$477,990.82; Paid by Check No. 10182 through 10262.**
- C. Approval of New Liquor License for Cedar Crest Family Restaurant & Grill.**
- D. Approval of Liquor License Renewals for 7-Eleven #2306-18861E 1114 State Avenue, and First Stop Food Mart, 70 State Avenue, Suite B.**
- E. Authorize Mayor to Sign Grant Application for Snohomish County Center for Battered Women.**
- F. Approval of Final Plat of Cedar Hills and Authorize Mayor to Sign the Final Plat Mylar.**
- G. Authorize Mayor to Sign Award Document of the Washington State Department of Social & Health Services, Juvenile Accountability Incentive Block Grant.**
- H. Approval of Completion of a Constructability Review of the WWTP Phase II Improvements and Authorize Mayor to Sign the Professional Services Agreement with the Harris Group.**

Mayor Weiser asked if there was anyone in the audience or any Councilmembers who wanted any of the items removed for discussion. No one indicated that they wished to remove any of the items. There were no further comments or questions regarding these Consent Agenda Items.

**Motion** by Councilmember Lisa Vares, second by Councilmember Donna Wright to approve Consent Agenda Items A-H. **Motion** passed unanimously (7-0).

## NEW BUSINESS

### **A. Annexation Policy.**

City Attorney Grant Weed reviewed the history of this policy and the city's position with regard to the law. He explained that the Council is to consider whether there should be some revisions to the existing policy. Mr. Weed then reviewed the proposed

revised resolution and described the changes that have been made and the reasons for those changes.

Councilmember Wright explained that the House has passed two measures addressing the annexation issue - one pertaining to vacant land, which could use the petition method with the majority of the land owners. The other was based on acreage. A majority of those owners, based on acreage, plus a majority of the residents who are registered voters would need to sign the petition and then it would proceed. She said it would go to the Senate and appeared to be on a fast track to move along. Since this appears to be moving quickly, and wondered if Council would end up redoing the policy anyway in the near future. Mr. Weed indicated that revisions were likely going to be necessary whether or not this was adopted.

Councilmember Mike Leighan asked how Resolution 1939 is currently being applied and if this resolution was just to clean up the language. Senior Planner Chris Holland replied that they were mainly cleaning up language so there would not be any confusion about which method of annexation is currently available. Councilmember Leighan then referred to Section 4 and noted that this would not change provisions of providing hookups outside the city. Mr. Weed indicated that this resolution would not impact the current policy of the city. Councilmember Leighan then asked about the intent of Section 4, Annexation covenant requirements/utility service areas requirements. Mr. Weed said that the city would continue to collect the covenants so as to not foreclose the option to use them.

Mayor Weiser asked about Section 2, Number 1 that refers to looking at areas with higher assessed value. How does this work with Lakewood School District properties when there are no taxes collected on those properties. He asked if these should be exempt or if there should be language that acknowledges the fact that tax revenue is not received from those properties. Mr. Weed said that was possible, but he felt the language was clear enough that the city would merely consider that factor.

CORRECTED: SEE 3-10-03  
MINUTES 5/10/03 AM

Councilmember Seibert referred to Section 4 and questioned the use of administrative variances. Mr. Weed explained that there is a provision in the code now to review requests for variances administratively with appeals to the Hearing Examiner. Consideration could then be given to an administrative variance. There is an application process through the Public Works Department. He said this is currently being utilized at times.

Councilmember Smith had concerns about provisions for utility hookups and noted that this was left out of this resolution. Mr. Weed said in previous versions there was a section dealing with developer extension agreements that was left out of this version. He felt this would work better as a stand-alone policy.

Councilmember Vares asked again how Resolution 1939 is currently being used. Senior Planner Chris Holland stated that it is not being used now because they are not using the petition method. He said if they adopt new annexation language it would clarify the annexation methods available for those interested in applying. Ms. Vares then asked what they told people who are interested in annexing into the city. Mr.

Holland indicated that he has an information sheet that explains the different processes that are currently available under state law. He explains to people interested in annexation that there is no guarantee that Council will approve it, but it gives them some understanding of what their options and responsibilities are.

Mayor Weiser asked if there was any public comment. There was none. The topic was then closed to public comment.

Councilmember Leighan said he was in favor of annexing the entire urban growth area or portions thereof even though he realized this would be a monumental task.

Councilmember Seibert wanted to discuss options on city services outside of the city. This was not included this time, but he said he would like it to be a part of the resolution. He agreed that he also would like to see all of the urban growth area annexed into the city as this would solve the problem of providing services to areas outside the city.

Councilmember Leighan agreed with Councilmember Seibert on utilities outside the city, but felt it would be better addressed under the utilities code.

Councilmember Seibert then commented that only part of the issue that he had wanted to discuss was brought forward (utility service was not). He noted he was skeptical about the administrative variance even though this is already being done. He said the city needs to draw a line regarding applications for service outside the city limits. He referred to the problem of "islands" outside the city that were not able to be annexed.

Councilmember Smith then commented that this resolution cleans up how you annex to the city. She said it seemed clear to her that the utility provisions needed to be separate from the process of annexation. She stated that she believes once this is installed, the utility issue can be addressed.

Councilmember Wright noted that she felt that as long as the legislature is moving along it would be prudent to set this aside for a month or so.

Councilmember Leighan noted this would probably need amending, but the current policy has areas that are not valid and needs to be updated. He again said he would like to take a look at annexing a large chunk of the urban growth area into the city as soon as possible. He said the utility issue needs to be dealt with in a separate code. He indicated he would support this resolution as presented.

**Motion** by Councilmember Seibert, second by Councilmember Leighan to adopt Resolution 2088, Draft No. 2 as written. **Motion** approved 6-1 with Councilmember Wright voting against.

## **B. Lakewood Annexation; PA 0105029.**

Mayor Weiser asked Senior Planner Chris Holland if the Community Development Department had anything to add. Mr. Holland indicated there was no additional information. There were no comments or questions of staff.

**Jerry Osterman, 16829 B 26<sup>th</sup> Drive NE, Arlington, WA 98223**

Mr. Osterman thanked Mayor Weiser for attending a recent Public Hearing at a Snohomish County Council meeting where he requested they not proceed with a high-density rezone action until the City of Marysville could complete their Comprehensive Plan for this area. Despite the Mayor's request and that of the residents they now have a 10-acre parcel zoned high density between two medium density developments. He requested that the City of Marysville work with the neighborhoods to develop pre-annexation zoning prior to an annexation election. Mr. Osterman thanked Marysville for extending utilities to his area.

Mayor Weiser thanked Mr. Osterman for speaking.

**Robert Larkin, 16830-26<sup>th</sup> Drive NE, Arlington**

Mr. Larkin thanked the Mayor for attending the Snohomish County Council Public Hearing. He asked if this was going to be done in a large chunk or pieces. Mayor Weiser explained that that was under discussion.

Mr. Larkin inquired as to the benefits of being annexed. Mayor Weiser explained that his utility rates would be less, fire protection would be the same, property taxes would be slightly less in the city than the county, and police response time should be less than in the county. He added that the Governmental Affairs Committee has been discussing a shared police precinct. Mayor Weiser then went on to explain some of the disadvantages of being annexed. He listed the utility tax, dog leash law, and dog and cat licensing law. Mr. Larkin thanked him.

Councilmember Seibert commented that other advantages would be that they would be able to vote in local elections and that a smaller governmental entity allows constituents to have a bigger voice.

There were no further comments from the audience so the topic was closed to public comment.

Mayor Weiser solicited questions or discussion. He explained that Council needed to decide the area to be annexed - 172<sup>nd</sup> Street as north boundary or the entire area – and the type of method to be used in annexation – election initiated by 10% petition method or by City Council resolution method.

Councilmember Lisa Vares thought that they should attempt to annex the entire area based on the 60% petition. This particular petition - in order to initiate an election method - only asks for 10%. She stated that they've already exceeded that criterion.

She said she also feels that it should be done in one chunk, not two, if possible. She indicated that she was in favor of Option 2.

Councilmember Leighan asked if there was a letter from somebody in the area that was interested in annexing as he didn't want it to appear that the annexation was initiated by the city. Senior Planner Holland clarified that there were three other property owners in that area that supposedly submitted letters, but he did not have their names on hand. There was discussion about the percentage

Councilmember Seibert said he was favor of Option 1 by the petition method. Mr. Weed indicated that it would be necessary to give time for all the necessary processes to happen before the election. Chief Administrative Officer Mary Swenson added that they would want to do community meetings in that area in order to foster communication and help the community feel more connected.

Councilmember Smith responded to Councilmember Leighan's concern by stating that the residents do have a choice and that the ultimate decision was in their hands. She then added that she was in favor of the full annexation.

Councilmember Soriano asked which would be most expeditious. Mr. Weed indicated that some time might be saved under Option 2, but not a significant amount of time.

Councilmember Wright also asked about the timeline involved. Mayor Weiser indicated it should be fairly quick as they already have reviewed it. Mr. Weed added it would be the same amount of time as with petition. Ms. Wright concluded by saying that she favored Option 2.

Councilmember Smith asked Senior Planner Chris Holland about Mr. Osterman's comment about pre-annexation zoning in the Lakewood Area. She asked if this had been finalized. Mr. Holland explained that there are three options under consideration.

**Motion** by Councilmember Jon Nehring, second by Councilmember Suzanne Smith to direct staff to come back with a resolution initiating the Lakewood Annexation PA 0105029 by the election method and to finalize the perimeter boundary including the Lakewood School District.

Councilmember Seibert asked if it would be appropriate to begin notifying citizens of the city's intent. Mary Swenson agreed that it would be a good idea. Councilmember Seibert asked at what point they would notify the entire area that they could be annexed. Ms. Swenson recommended that after accepting a resolution. She indicated that they have been in contact with residents during this process and they would continue to do that. As soon as the resolution is passed they would do a mailing. Mr. Holland added that they have a pamphlet that they can send out to property owners and citizens who live in the area.

**Motion** passed unanimously (7-0).

**C. Dale Gribble Annexation; PA 0101004.**

Senior Planner Holland noted there was no additional information. Referencing differences in zoning within the county and the city he noted that the city allows smaller lot sizes although they still have to meet the same density requirements.

Mayor Weiser explained that this annexation started off under the old policy. The applicant applied and Council asked that the area be expanded. There was a delay in the process and then the Supreme Court decision stopped it all. The previous annexation policy cited if the property was within two lots of the city then it needed to be annexed first. The one that was just adopted does not say that.

**Linda Gribble, 4702 67th Avenue NE, Marysville, WA 98270**

Linda Gribble addressed the Council. She said they were initially required to annex into the city. She said they have received all the approvals they need from Snohomish County. Ms. Gribble concluded by saying that they have been in limbo for over a year and that she encouraged City Council to approve this.

Councilmember Leighan asked if the adjacent owners wanted this annexation also. Ms. Gribble indicated that they did. She then explained the reasons why they want to be annexed. These included smaller lot sizes and costs already incurred with engineering services. She said they were not opposed to an election to annex the larger area.

Councilmember Smith noted that things have changed and the property does not need to be annexed. Mayor Weiser commented that if approved it would be annexed prior to development and prior to utility service.

Councilmember Wright commented that the expanded area had no protest agreements. It seemed to her that Option 1, if the Boundary Review Board would accept it, would be the best way.

Councilmember Seibert asked Finance Director Sandy Langdon if there would be much difference in cost between the small area and the larger one. She said that the cost would be about the same.

Councilmember Leighan asked how many registered voters there were on the two parcels. Senior Planner Holland said there are currently two houses there, but he was not sure about the number of registered voters.

Councilmember Seibert stated he would like to try to annex the whole area.

**Motion** by Councilmember Seibert, second by Councilmember Smith to approve the Gribble annexation with the expanded boundaries through the resolution method.

Councilmember Leighan commented that the larger area would require significant canvassing. He indicated that he was in favor of annexing just the two properties and would not be supporting this.



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Councilmember Seibert asked the City Attorney if both of these could be written in as separate issues. Mr. Weed referred to the policy of inconsistency of outcomes and possible problems with the Boundary Review Board with regard to this suggestion. Councilmember Seibert clarified his meaning. Mr. Weed indicated that it still might cause problems for the Boundary Review Board.

Councilmember Leighan referred to a policy that stated if the Boundary Review Board disapproved of the annexation it could not be reconsidered for twelve months. Mr. Weed thought that the two-parcel piece would be considered as a different annexation.

Councilmember Vares said that she agreed with Councilmembers Leighan and Wright, but if the larger area has no protest agreements with the city she thought it might be a moot point to send it to the voters. While she said she would like to see the larger area put before the voters she said she would be voting no on the motion that is in front of Council.

Senior Planner Holland added that there has been no perimeter legal boundary description prepared on the smaller area.

Councilmember Smith said she would like to retract her second to the motion. There was no second to Councilmember Seibert's motion.

**Motion** by Councilmember Smith, second by Councilmember Vares to annex for the non-expanded boundary by Council resolution and to direct city staff to return with a resolution and to prepare a perimeter legal description. **Motion** passed unanimously (7-0).

## ORDINANCES AND RESOLUTIONS

### **A. A Resolution of the City of Marysville Confirming its Commitment to Work with the City of Arlington in Developing Regional Solutions to Transportation Issues While Still Allowing Each Jurisdiction to Continue Economic Development.**

Mary Swenson said this resolution is a result of continued efforts in working with Arlington and the Governmental Affairs Committee. She explained that the city's main goal is to get the 172<sup>nd</sup> project moving.

Councilmember Leighan asked about dropping the word *economic* in Section 3 and leaving it as *development projects*.

City Attorney Weed wondered if a city could really waive its appeal rights not knowing what would happen in the future. He also had concerns about the vague meaning of *development projects*. He wondered whether the intent of this resolution was really to pledge the city's cooperation and not necessarily to waive its appeal rights.

Councilmember Leighan suggested that the two cities meet again to discuss the City Attorney's concerns before adoption of this resolution.

Councilmember Nehring said he could possibly support this if the word *economic* was deleted.

Councilmember Smith did not feel this would be a legally binding agreement but could serve as a pledge of cooperation. She expressed her concerns about stormwater. Mary Swenson said this resolution was specifically referring to development and traffic issues surrounding that development.

Councilmember Seibert referred to the concurrency for traffic. It would leave other avenues of appeals open to the city. Mr. Weed said that was true as it was written, but there were other vehicles for appealing to traffic issues. He suggested drafting some clarity as to what was meant by economic development projects. Mr. Seibert wanted to clarify that it would be addressing 172<sup>nd</sup> Street.

Councilmember Wright thought that pledge of cooperation on number 3 would be good.

Councilmember Soriano suggested waiting a couple weeks until the staffs of both cities could take a look at this and to have the Governmental Affairs Committee take a look at it.

There was general consensus of Council to delay action on this.

## INFORMATION ITEMS

### A. Mayor's Business.

#### ***Reappointment to Park Board; Robert Bell, Jr.***

**Motion** by Councilmember Leighan, second by Councilmember Wright to approve the reappointment of Robert Bell to the Park Board. **Motion** approved unanimously (7-0).

Councilmember Mike Leighan indicated that there needs to be action taken on the LEOFF Board. Mayor Weiser thanked him for that information.

#### ***Recovery Contracts***

Mayor Weiser discussed three recovery contracts with the hope that these would be approved next Monday night at the work session. There was consensus that action on this would be delayed until the work session.

Councilmember Seibert asked about a problem with a grate at one of the lift stations. He had driven by and saw a manhole that had been opened so that a hose could be

inserted. Larry Larsen, Public Works Superintendent, indicated the necessity of this and that it was a punch list item.

Mayor Weiser then announced that these recovery contracts would be brought back for public comment next Monday.

The Mayor then reminded Councilmembers that they could hold their list of expenses until the end of the month if they so desired.

**B. Staff Business.**

**Larry Larson, Public Works Superintendent**, gave an update on the Ash Avenue Park and Ride. He said it was progressing on schedule with currently 50 spots available. By the end of March there should be 150 available and it should be completed by July with a total of 200 parking spaces.

He also mentioned that there had been a settlement with Denise Baker negotiated today.

He then reviewed change orders and said there are some pending minor ones totaling approximately \$35,000.

**Chris Holland, Senior Planner**, noted that there is a hearing on Thursday night for an 11-lot plat next to Windsor Point.

**Grant Weed, City Attorney**, said he had an item to updated Council on pending litigation in the Executive Session.

**Mary Swenson, Chief Administrative Officer**, announced the AWC Convention will be in Spokane in June 18-20. If any Councilmembers are interested please let her know. She said staff made hotel recommendations and encouraged those who have not attended to try to do so this year. Ms. Swenson then stated that they have received input from interested citizens on the gambling committee and will be moving forward on that committee.

**Robert Carden, Police Chief**, announced that the Public Safety meeting was changed to March 6th because several participants will be out of town. He went on to discuss the Citizens Academy that begins tomorrow night. Some of the topics covered will be: recruitment, criminal law, crime prevention, criminal procedure, accreditation, patrol procedures, use of force, records, disclosure, training in the traffic unit, accident investigation, domestic violence and communications, K-9, meth labs and illegal drugs, driving under the influence of alcohol and drugs, firearms training, jail and court. Graduation is scheduled for May 13th. The first class has 22 people signed up.

**C. Call on Councilmembers.**

**Lisa Vares** asked where they were regarding zoning for methadone clinics. Mayor Weiser indicated that staff has a meeting tomorrow to start working on this. Ms. Vares then commented that she really enjoyed Marysville University's methamphetamine class. She thanked staff for their presentation and participation.

**Mike Leighan** commented that it was one of the better-attended Marysville University's, which showed the timeliness of the topic.

**Suzanne Smith** said she was at the State Avenue meetings and Howard Sowards representing Marysville Co-Op Cenex was there and indicated his concerns about water pressure in the vicinity of 84<sup>th</sup> and State Avenue. She asked if there was a reason why they have really low pressure in this area because Mr. Sowards has concerns about fire safety.

Ms. Smith then stated the Park tour on Saturday was great. She said it was very fun, and informative and she was glad she attended.

Ms. Smith then referred to the Marysville Messenger that is sent out to the utility customers. She said there was some confusion among residents regarding where the city limits actually are. She suggested putting a map of the city limits and the surrounding UGA to assist those that don't know where they are. Mayor Weiser said they could, but it would be difficult to show the details well.

Ms. Smith then brought up a utility ordinance.

**Motion** by Councilmember Suzanne Smith, second by Councilmember Jeff Seibert to bring back the discussion within thirty days on a utility ordinance to discuss how utilities are served outside the city limits and what that should look like.

*Discussion:*

City Attorney Weed said he would like to compile a history of the policy issues and the city's options as far as its current commitments. From his perspective thirty days might not be sufficient time to thoroughly investigate this. Councilmember Leighan said he would also like to know what process the city is now using to give the utility variance outside the city limits and what the timeframe is in order for a developer to get those. Councilmember Soriano then asked Mary Swenson if she thought thirty days would be sufficient for the staff to research this. She was not sure and said she needed to check with Public Works Director Jim Owens who is currently on vacation. She thought that some of the information was probably already assembled. She said she and Larry Larson could discuss it during this week and see what the possibilities are.

Councilmember Seibert reiterated that this was part of his original request to discuss the annexation proposal and that he wanted to keep the thirty-day timeline.

Councilmember Smith said she would like to keep the motion as it is, for thirty days, but she would be willing to entertain a reasonable extension if staff needed it.

Councilmember Nehring noted his concerns with the liability issues but said he would like to look at the issue.

Councilmember Leighan noted that it could be a fairly in-depth discussion and suggested that it be a Saturday meeting topic. Mary Swenson agreed with Councilmember Leighan. She referred to a weekend retreat in April and said that this might be a good topic for that. She said she wanted to get Council's availability to set a date for that.

Councilmember Vares asked how Councilmember Seibert feels about waiting until the beginning of April to begin discussion. He said he is totally against it. His feeling is that this should have been addressed with the issue presented tonight and he did not want to wait longer than thirty days.

Councilmember Vares then suggested getting moving on the ordinance in the next thirty days in order that this could be handled in a timely manner. She suggested some sort of presentation to Council in advance to the weekend retreat.

Mary Swenson noted that they could probably have something on the agenda by March 17<sup>th</sup>

**Motion** passed unanimously (7-0).

**John Soriano** asked if the meth video used for Marysville University could be given to the library. Mary Swenson said that she would make sure that happened.

**Jon Nehring** also commended Marysville University. He then referred to an email by Matt Gordon and asked if that issue had been settled. Chief Carden explained that he wanted to do volunteer policing. He feels they already have Marysville Seniors Against Crime in place. They are looking at utilizing them to use some radar. With regard to the Citizens Academy it has been in place a long time and is not a new idea.

Mr. Nehring then referred to an area near the old driving range. He said it seems like there is a vehicle parked there often with its lights on and wondered if it was a drug issue. Police Chief Carden thanked him for the information.

He then asked Parks and Recreation Director Jim Ballew for an update on the Skate Park. Mr. Ballew said the fencing has been a beneficial addition. The caretaker closes the gate at night and this helps. He said there are still some issues that they are working on. He said they have seen a dramatic decline in graffiti and it is not reopened until it is cleaned up.

**Jeff Seibert** asked Larry Larson when the buses would start using the Ash Avenue Park and Ride Lot. Mr. Larson said he would need to get that information from Jeff Massie.

Mr. Seibert then informed Council that testing for the 529 bridge will be starting tomorrow night.

He then mentioned that the zoning issue in Lynnwood was thrown out and that the city would need to make sure that it could stand the test.

**Donna Wright** said she enjoyed the park tour of five different parks. She recommended that one of the retreats be held at Wildflower. She said that Marysville University is currently airing on Channel 29 and she hoped it could be expanded.

She then referred to the Safety Committee and said that she would not be able to attend. She said she also spoke with Howard Sowards about his water pressure issue.

She then suggested a Public Works tour to follow the successful Parks tour.

**ADJOURNMENT**

Mayor Weiser adjourned the meeting at 9:14 p.m. He announced that there would be an Executive Session to discuss two potential legal issues. The Executive Session would start at approximately 9:25 p.m. and last for about 25 minutes.

**EXECUTIVE SESSION**

Council adjourned into Executive Session at 9:25 p.m. and discussed three pending litigation issues. Council reconvened into regular session at 9:39 p.m., took no further action, and adjourned.

Approved this 10<sup>th</sup> day of March, 2003.

David Weiser  
Mayor  
David Weiser

Gerry Becker  
City Clerk  
Gerry Becker

Laurie Hugdahl  
Recording Secretary  
Laurie Hugdahl

CORRECTED: SEE 2/24/03  
MINUTES *Jim*

00022-AM

**ORIGINAL**

**MARYSVILLE CITY COUNCIL WORK SESSION**

000273

February 18, 2003

7:00 p.m.

Public Safety Center

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor David Weiser called the February 18, 2003 Work Session of the Marysville City Council to order at 7:00 p.m. He then led those present in the Pledge of Allegiance.

**INVOCATION**

Pastor Greg Kanehen from the Marysville Free Methodist Church gave the invocation.

**ROLL CALL**

Mayor Weiser asked Sandy Langdon, Finance Director, to call the roll. The following councilmembers and staff members were in attendance:

**Council:** Mayor David Weiser, Mayor Pro Tem Mike Leighan, Councilmembers: Suzanne Smith, Jon Nehring, Jeff Seibert, Donna Wright, and Lisa Vares.

**Staff:** Police Chief Robert Carden; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; and Jim Owens, Public Works Director.

The excused absence of Councilmember John Soriano was noted.

**COMMITTEE REPORTS**

Councilmember Lisa Vares discussed the recent meeting with the Utility Committee where a wastewater update was given. Councilmember Jeff Seibert added that they also discussed upcoming construction projects and timelines. Councilmember Vares commented that Interim Assistant City Engineer Kevin Nielsen is working to ensure efficient timelines by having different parts of the projects happening simultaneously. Other issues discussed at the committee meeting included the surface water update, the transportation comprehensive plan, the 116<sup>th</sup> interchange overpass project and change orders for the Ash Avenue Park and Ride. Public Works Director Jim Owens explained the circumstances surrounding this particular change order.

Councilmember Jon Nehring then informed Council that the Library Board took a tour of the new Monroe Library. He noted that it was a very nice facility. Of particular interest was the fact that the library has three self-check out machines that require only needing one staff person behind the counter. This frees up more space for more efficient use. He also commented on the unique bamboo-type flooring of the library.

Councilmember Leighan reported that the Implementation Committee met again and discussed a possible meeting with the full group of City Council, MERC, and the Planning Commission on March 13 from 4-6 p.m. at Marysville Fire Station 62.

## DISCUSSION ITEMS

### **Annexation Policy.**

Mayor Weiser gave a brief history of the city's annexation policy and how it has arrived at the current situation. The city had a number of annexations in progress when the Supreme Court made the ruling concerning annexation by petition method. Council directed staff to look at different aspects of this to see if the city needs to look at some of the policies. He noted that there are several bills in the state legislature at this time, but it will be several months before the outcome is known.

City Attorney Grant Weed further described the background of the city's annexation policy. He stated that the Supreme Court decision of 3/12/02 declared the annexation by petition method unconstitutional, although it's been on the books since 1945. This came as quite a surprise to everyone. In response to this there have been attempts to clarify the decision in terms of the retrospective nature of the bill and its broader implications for the city. Mr. Weed also discussed the reaction through the legislative process that is taking place. Several bills are currently pending and there is an aura of uncertainty of what to do on an interim basis. He stated the following as possible reasons for the city adopting an interim policy during this period.

- To keep the city out of legal trouble
- To enable the city to respond to annexation requests within the current context of the law
- To give property owners and the public some sort of sense of how the city will respond to their annexation request
- To enable only those annexations that make sense from an economic standpoint and a land use and policy standpoint to go forward with the election method.

One of the issues City Attorney Weed addressed was how to deal with losing the benefit of the annexation process in terms of the use of covenants. He noted the use of covenants themselves was not declared illegal; however if the Supreme Court determines another process it may be that the covenants used in the past may or may not be allowed to be used. A second issue was what conditions can or cannot be imposed on those residents. Thirdly, he discussed how to allow for annexation where there are no voters such as corporate or school district property. A final issue was what, if anything, to do with annexations that were pending when the Supreme Court decision was announced. He described the options available to the Council as the following:

- Suspend the policy the city had and adopt an interim policy.
- Wait and see what the Court does.
- Discuss whether the city wants to offer the extension of utilities outside the city until the law is clarified.



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Councilmember Donna Wright asked about the no-protest agreements. Mr. Weed replied that unless the law changes they may not be able to use them. A covenant may not be able to be applied.

Councilmember Leighan asked how to handle LID areas. Mr. Weed responded that the Supreme Court did not invalidate the use of LIDs just the annexation by petition method.

Councilmember Suzanne Smith referred to Section 3 of the draft and clarified that it would suspend the current policy. Mr. Weed indicated that she was correct. Ms. Smith then referred to Section 2, number 1 and asked what the merit was in considering the size of the area of annexation and the number of registered voters in the proposed area. Mr. Weed explained that this was based on the cost of the election method and that the annexation of larger areas would be more cost-efficient for the city. Councilmember Smith felt the appropriateness of this would need to be determined on a case-by-case basis. Mr. Weed concurred and suggested that perhaps the assessed value or the land use could be other factors considered. Discussion followed about development densities, traffic studies, impact fees, and reciprocal street agreements. Ms. Smith stated that she believed the city should not be serving outside the city anyway and that this just exacerbates the problem because now those areas can't be annexed.

Councilmember Wright referred to Section 2, number 1 of the draft and asked for clarification about the proposed land size and/or number of voters to be considered. There was some discussion of this. Mr. Weed indicated that he had thought the city would want to give preference to larger areas and/or those with higher numbers of voters.

Mayor Weiser said that under the Growth Management Act counties and cities were directed to determine their urban growth boundaries. Since it is a requirement within state law and since it also says all lands within the urban growth area will be eventually annexed into the city, he asked if the city could just lump together separate areas because they are already in the urban growth boundaries even though they are not contiguous with each other, but are contiguous with the city. Mr. Weed thought that this would be unlikely to get past the review board because of the statutes required to pass.

Councilmember Seibert then asked Gloria Hirashima, Community Development Director about Section 2, number 2 which says that the city will review for consistency with the city's comprehensive plan and development. Ms. Hirashima explained that currently this is a requirement, not merely a high priority. Councilmember Seibert commented that he believes it should be required that the area be consistent with the comprehensive plan and with development regulations.

Councilmember Seibert then referred to number 3 within the same section. He commented that once the area was annexed it would be subject to city rules. There was

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discussion about a pre-annexation agreement. City Attorney Weed said that a more realistic approach would probably be that after annexed they would comply with the city development standards. Community Development Director Hirashima suggested that it read "as a condition of obtaining city utilities".

Councilmember Seibert then referred to Section 4. He thought the wording sounded like once the Court establishes something the city will automatically adopt the whole thing. There was discussion about the city being subject to whatever the decision would be unless part of it was delegated to the cities. Mr. Seibert commented that the draft should leave that part that is delegated to cities to review before automatically accepting it. He further stated that the city should move forward with a policy of not providing utilities or hookups outside the city until this is decided upon, especially since covenants may be worthless. He said to let everyone know that until this situation is changed this will be the new policy.

Councilmember Smith expressed her frustration with providing services outside city limits, but having no control. She said the only thing the city gets is density. Ms. Smith went on to discuss stormwater issues and school district impact fees with regard to those areas. She said they would get developed to county standards although essentially part of the city. They impact city parks, roads, etc... If they ever are annexed the city inherits the sub-standard development, especially in terms of roads.

Councilmember Vares requested clarification of the issue of differences in county standards and differences in the level in general. Ms. Hirashima noted that the problems were mainly with the older developments. Newer plats have different standards than the city on frontage improvements. She further commented that the County was pursuing urban level standards that were intended to address this issue. She said she would need to look further into this to check on specific differences.

Councilmember Smith then asked about going to the County requesting urban growth levels of development. Mayor Weiser described some of the background of this situation. He explained they set a series of urban standards – some were higher and some were lower than Marysville's. He wasn't sure if it was working, but he said the County is now considering adopting the cities' development standards for the urban growth area. Ms. Smith suggested making this a requirement until the County completes its work.

Councilmember Wright commented that this policy is just intended to serve as an interim policy. City Attorney Weed agreed and said that its purpose is simply to give those interested in annexation an idea of which proposals the city would be likely to consider. He suggested that if City Council wished to get into the details of the policy they could take all the provisions out of the old policy that are still good and weave those into this proposed policy.

Councilmember Seibert then referenced the roads and parks monies collected by the County, which are often not used to benefit Marysville. If the city does not require

annexation he said it would just continue happening that way. He would like to see Council move to suspend utility hookups outside the city.

Councilmember Leighan asked how a no hookups outside city limits policy could be structured at this point. City Attorney Weed explained that the city would have to compose a list of exceptions where it has already made commitments. He said they are currently waiting to find out if cities are required to provide services to LIDs.

Councilmember Wright commented that she was interested in knowing the financial implications of suspending hookups. Finance Director Sandy Langdon explained that they don't consider bonding on hookups outside the city.

Councilmember Smith clarified that number 2 would say, "required to be consistent with". Mayor Weiser indicated that could be part of a motion. She also suggested that number 3 should read something like "as a condition of obtaining utilities".

Councilmember Leighan referred to Section 2, number 1 and suggested that it read, "shall consider areas that benefit the city".

City Attorney Weed then asked for direction from Council. There was discussion about bringing this back at the next meeting to discuss with the possibility that it will be carried over to the next work session.

## CONSENT

Mayor Weiser reviewed the following consent agenda items.

- A. **Approval of February 24, 2003 Claims.**
- B. **Approval of February 20, 2003 Payroll.**
- C. **Approval of New Liquor License Cedar Crest Family Restaurant & Grill.**
- D. **Approval of Liquor License Renewals for 7-Eleven #2306-18861E, 1114 State Avenue, and First Stop Food Mart, 70 State Avenue, Suite B.**
- E. **Authorize Mayor to Sign Grant Application for Snohomish County Center for Battered Women.**

Councilmember Leighan asked how many referrals a year there are to this center. Chief Carden was not sure, but said he would find out.

- F. **Approval of Final Plat of Cedar Hills and Authorize Mayor to Sign the Final Plat Mylar.**

Councilmember Smith asked for clarification of a couple of areas and asked if there had been a second neighborhood meeting. Ms. Hirashima indicated that there had not.

**G. Authorize Mayor to Sign Award Document of the Washington State Department of Social & Health Services, Juvenile Accountability Incentive Block Grant.**

Councilmember Nehring asked about the amount of this grant. Chief Carden explained that it was the same amount every year and was provided to the city automatically. There was discussion about the use of this grant.

**NEW BUSINESS**

**A. Lakewood Annexation; PA 0105029**

Councilmember Leighan asked specifically how the 10% petition worked. Ms. Hirashima explained the method. Mr. Weed further explained this process needs to be certified by the County.

Councilmember Seibert asked if some of the boundaries could be re-drawn if the city were to initiate this based on areas that would be amenable to annexation. Discussion followed about boundary limits and costs associated with this.

**B. Dale Gribble Annexation; PA 0101004.**

Mayor Weiser briefly explained the history of this annexation. He noted that it started out as a 2-lot annexation and ended up being extended to cover a larger area. There was discussion about the boundaries of this annexation. Ms. Hirashima explained the options that would be before Council at the meeting.

Councilmember Leighan asked if there was a fee for annexations. Ms. Hirashima said that there was one and that this had been paid. There was more discussion about the boundaries to be included. Councilmember Seibert suggested trying for the larger area, but wondered if there would be a possibility of then bringing back just the smaller area at the next election if the larger one wasn't approved. Mr. Weed said it would depend on the timing of the boundary review process and the timing of the County's process of getting it on the ballot.

**C. WWTP Phase II Improvements – Constructability Review.**

Public Works Director Jim Owens explained that the same firm that did the constructability review of Phase 1 would be doing this. He displayed the product received as part of the original constructability review and explained briefly its content. Mr. Owens indicated that he was confident they would get a good product. There were no comments or questions.

**ORDINANCES & RESOLUTIONS**

**A. A Resolution of the City of Marysville Confirming Its Commitment to Work with the City of Arlington in Developing Regional Solutions to Transportation Issues While Still Allowing Each Jurisdiction to Continue Economic Development.**

Councilmember Seibert asked if Arlington would be doing the same thing. Mayor Weiser answered in the affirmative. There was some discussion about dropping the word "economic" in number 3.

Mr. Weed commented that he wasn't sure that this resolution would be legal and binding, but that it might be more a show of good faith between the two cities.

**INFORMATION ITEMS**

Public Works Director Owens updated Council on two projects. First he said they were planning on activating the signal at 88th Street and 67th Avenue on Thursday and that they would be putting out traffic change signage to notify drivers.

He then discussed the Wastewater Treatment Plant Phase 2. He said that the schedule he had received exceeded the schedule limits. He is now waiting for a new schedule within limits and is expecting to receive that information this week.

CORRECTED: SEE 7-24-03  
MINUTES 161 AM

**ADJOURNMENT**

Mayor Weiser adjourned the work session into Executive Session at 8:54 p.m.

**EXECUTIVE SESSION**

Council convened into Executive Session at 9:02 p.m. to discuss one potential litigation issue, and reconvened into regular session at 9:10 p.m.

**Motion** by Councilmember Leighan, second by Councilmember Wright to approve the change order as discussed in Executive Session. Motion carried unanimously (6-0).

**ADJOURNMENT**

Mayor Weiser adjourned the February 18, 2003 City Council Work Session at 9:12 p.m.

Approved this 24<sup>th</sup> day of February, 2003.

David Weiser  
Mayor

Perry Becker  
City Clerk

Janni Hugdahl  
Recording Secretary