

Marysville City Council
7:00 p.m.

March 24, 2003

Public Safety Center

Call to Order/Pledge of Allegiance/Roll Call	7:00 p.m.
Committee Reports	
Addition of the Opium Substitution Facilities Moratorium Ordinance to the Agenda after the Executive Session.	
Approval of Minutes	
March 10, 2003 City Council Meeting	Approved
March 13, 2003 Joint Meeting: City Council, Planning, MERC.	Approved
March 17, 2003 City Council Work Session	Approved
Consent Agenda	
Approval of March 24, 2003 Claims in the Amount of \$1,471,854.68; Paid by Check No. 6031 through 6205 with Check No. 5966, 6095, and 6166 Void	Approved
Approval of March 20, 2003 Payroll in the Amount of \$464,236.61; Paid by Check No. 10349 through 10421 with Check No. 10416 Cancelled.	Approved
Approval of New Liquor License for "R" Place Pub and Grill.	Approved
Authorize Mayor to Sign Cooperative Purchasing Agreement with the City of Bellevue for the Purpose of Purchasing Meter Van Replacements.	Approved
Approval of Liquor License Renewals for Kuhnle's Tavern, Maxi's Restaurant, 7-Eleven #2306-32834A (3609 88th Street NE), 7-Eleven #29536 (10012A Shoultes Rd.), Acapulco Mexican Restaurant, and La Hacienda #4.	Approved
Authorize Mayor to Sign the No-Cost Supplemental Service Agreement with Hammond, Collier, Wade-Livingstone for the State Avenue Trunk Sewer Extension Project.	Approved
Affirm the Hearing Examiner's Recommendation to Approve the Waterfront Park Conditional Shoreline Substantial Development Permit.	Approved
Accept the 88th Street NE/67th Avenue NE Traffic Signal as Complete and Begin 45-Day Lien Filing Period	Approved
Current Business	
Require annexation before further utility service outside city limits to those areas that are not presently covered by contracts with a public hearing to be held on April 14.	Approved
New Business	
Special Events Permit for the Marysville- Tulalip Chamber of Commerce Carnival.	Approved
Approve the Hotel/Motel and Finance Committees' recommendations with the budget amendment.	Approved
Authorize the Mayor to sign the Professional Service Agreement with Hammond Collier Wad Livingstone in the amount of \$7,500.	Approved
Ordinances and Resolutions	
Amend Section 19.08.030 (Residential Land Uses) of the Marysville Municipal Code Relating to Permitted Uses.	Approved Ord. No. 2463

ORIGINAL

Amend Section 19.12.140 (Setbacks from Alleys) Relating to Building Setbacks from Alleyways and Repealing Section 19.12.230 (Yard Setbacks for Accessory Buildings) of the Marysville Municipal Code thereby Eliminating a Separate Section for Yard Setback Requirements for Accessory Buildings which has been Incorporated into Section 19.08 MMC.	Approved Ord. No. 2464
Amend Section 20.080.020 (Review Process) and Adding a New Section 20.080.025 Boundary Line Adjustments with Existing Structures) of the Marysville Municipal Code Relating to Boundary Line Adjustments.	Approved Ord. No. 2465
Amend Sections 16.32.110 (Duties and Responsibilities of Building Official) and 16.32.160 (Specific Standards) of the Marysville Municipal Code Relating to Floodplain Management.	Approved Ord. No. 2466
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.	Approved Res. No. 2090
Resolution Supporting Our Troops Overseas and Aboard the City of Marysville's Adopted Ship, the U.S.S. Ingraham	Approved Res. No. 2089
Adjournment	9:00 p.m.
Executive Session	9:05 p.m.
One potential litigation matter	
One real estate issue	
Reconvene Approved Ordinance 2467 creating a moratorium on the establishment of opiate substitution treatment program facilities.	9:20 p.m.
Executive Session 1. Real Estate	9:30 p.m.
Adjournment No further action taken.	10:50 p.m.

March 24, 2003

Marysville City Council Meeting
7:00 p.m.

Public Safety Center

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor David Weiser called the March 24, 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

There was no invocation as a pastor was not in attendance.

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: Robert Carden, Police Chief; Mary Swenson, Chief Administrative Officer; Sandy Langdon, Finance Director; Grant Weed, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director, Jim Ballew, Parks and Recreation Director; Gerry Becker, City Clerk, and Larry Larson, Public Works Superintendent.

COMMITTEE REPORTS

Councilmember Jon Nehring reported that the **Finance Committee** went over the new financial system update. He noted that Finance Director Sandy Langdon is confident it will be taken care of and did a thorough job of making sure the necessary items were in the contract to deal with this type of issue. The Committee also briefly reviewed the Hotel/Motel Grant applications that will be discussed later tonight. He then discussed the Administrative Summary, which shows the year-end balance and all the line items of the budget for last year; virtually every department came in under budget, with only a few exceptions.

Motion by Councilmember Jon Nehring, second by Councilmember Lisa Vares to add the Opium Substitution Facilities Moratorium Ordinance to the agenda after the Executive Session. **Motion** passed unanimously 7-0.

Next Councilmember John Soriano reported that the **LEOFF 1 Committee** reviewed three claims and discussed the new claim form format. They also discussed various coverages and revisions they would be making to those new coverages.

Councilmember Donna Wright commented that she attended the **Puget Sound Regional Council meeting**. She explained that Marysville is number 19 as far as population goes. They passed the biannual budget for 2004 and 2005. The PSRC also elected Seattle Councilmember Richard McIver as President. Councilmember Wright noted that several nearby communities had received Vision 2020 awards. She added that she hopes Marysville will be one of the recipients next year.

PRESENTATIONS

Proclamation: Public Health Week (April 7-13, 2003).

As no one was present from the Snohomish Health District, Mayor Weiser read the proclamation declaring April 7-13, 2003 as Public Health Week.

Service Award Presentations.

Rick Herzog, Constructor Inspector – 10-year Service Award: Community Development Director Gloria Hirashima reviewed Mr. Herzog's experience focusing on his excellent work ethic and diverse experience. She thanked him for working with the city for the last ten years.

Rick Doan, Utility Construction Supervisor – 30-year Service Award: Public Works Director Jim Owens noted that Rick Doan was not able to attend tonight's meeting due to health problems. Public Works Superintendent Larry Larson then noted that this award of thirty years was quite a milestone. He went on to review Mr. Doan's work history. He started with the city on March 1, 1973 in the Street Department, and then transferred to the Utilities Department five years later. He had several promotions and advanced steadily. Mr. Larson commented that he appreciated Mr. Doan's knowledge and his commitment to the water and sewer systems. He then reviewed several key achievements in Rick's work history and commended him for those. Mr. Larson thanked and congratulated Mr. Doan for thirty years of outstanding service with the city.

Aurora Wright, Maintenance II Worker – 5-year Service Award: Parks and Recreation Director Jim Ballew recognized Aurora Wright for her outstanding work and personality. He gave a glowing report of Ms. Wright in which he commended her on her landscaping, hanging baskets and garden design. "Rory" also has earned specialized certification in playground inspection and pesticide application. He explained that she has assisted in the development of three parks. Mr. Ballew said that Ms. Wright is a great steward and a pleasure to work with. He noted that she is very creative and an excellent photographer and equestrian. Finally, he added that as the only lady working with a team of men, she has earned a special place with the Parks Department.

APPROVAL OF MINUTES**A. March 10, 2003 City Council Meeting.**

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

B. March 13, 2003 Joint Meeting: City Council, Planning, MERC.

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

C. March 17, 2003 City Council Work Session.

Councilmember John Soriano referred to the bottom paragraph on page 5. The date of the retreat should be *2002*, not *2003*.

Councilmember Jeff Seibert then referred to page 4, 1st paragraph, 2nd to last sentence. It should read "standards of developments" not "of fees".

Motion by Councilmember John Soriano, second by Councilmember Donna Wright, to approve the minutes as corrected. **Motion** passed unanimously (7-0).

CONSENT AGENDA

Mayor asked if anyone would like to remove any of the items for further discussion. No one indicated that they would like to remove any of the items.

- A. Approval of March 24, 2003 Claims in the Amount of \$1,471,854.68; Paid by Check No. 6031 through 6205 with Check No. 5966, 6095, and 6166 Void.**
- B. Approval of March 20, 2003 Payroll in the Amount of \$464,236.61; Paid by Check No. 10349 through 10421 with Check No. 10416 Cancelled.**
- C. Approval of New Liquor License for "R" Place Pub and Grill.**
- D. Authorize Mayor to Sign Cooperative Purchasing Agreement with the City of Bellevue for the Purpose of Purchasing Meter Van Replacements.**
- E. Approval of Liquor License Renewals for Kuhnle's Tavern, Maxi's Restaurant, 7-Eleven #2306-32834A (3609 88th Street NE), 7-Eleven #29536 (10012A Shoultes Rd.), Acapulco Mexican Restaurant, and La Hacienda #4.**

- F. Authorize Mayor to Sign the No Cost Supplemental Service Agreement with Hammond, Collier, Wade-Livingstone for the State Avenue Trunk Sewer Extension Project.**
- G. Affirm the Hearing Examiner's Recommendation to Approve the Waterfront Park Conditional Shoreline Substantial Development Permit.**
- H. Accept the 88th Street NE/67th Avenue NE Traffic Signal as Complete and Begin 45-Day Lien Filing Period.**

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

CURRENT BUSINESS

A. Utilities Outside City Limits.

Mayor Weiser solicited public comment on this matter. There was none, so the topic was closed to public comment.

Council discussion:

Councilmember Leighan asked if anyone had checked about annexing the Sunnyside area. Mayor Weiser indicated that there was a person interested in pursuing this.

Councilmember Seibert noted that this had already been discussed thoroughly at the workshop. He added, however, that the city missed an opportunity with the Sunnyside area to gain the benefits. There is potentially the same issue if Lakewood decides not to annex at this time. This could result in loss of tax revenue. He still thinks it would be a good idea to change the policy now before more opportunities are lost.

Councilmember Suzanne Smith agreed with Councilmember Seibert's comments. Additionally she suggested not allowing hook-up to areas outside the city except for areas that are already under contract with the city.

Councilmember Donna Wright referred to the recent rate study and stated that a policy change at this time would not be wise.

Councilmember Lisa Vares suggested having a public hearing on the issue.

Councilmembers Seibert and Smith were in agreement with this; however they felt that tonight's meeting was that opportunity. Councilmember Smith asked how soon this could happen. City Attorney Grant Weed suggested having some sort of formal action so that the public had an idea of what Council was considering.

Councilmember Leighan asked about the timeframe for the Lakewood annexation. Community Development Director Gloria Hirashima noted that it will be on the next council agenda and would be the November election.

Councilmember Leighan expressed concerns about cutting off service to that area, as it might appear to be a heavy-handed political move. He also noted that since it is in the urban growth area it is entitled to services.

Councilmember Seibert suggested doing this before the election. He thinks it would look worse if annexation was required *after* a measure failed. He noted that he would like to change the wording to "require annexation before extending service" as opposed to "not providing service".

Councilmember Wright suggested waiting to see how the bills before the Senate turn out before taking any action on this. She asked how much staff time this would entail.

Councilmember Smith said she looks at this in terms of protection for the city in the future. The consequences of not requiring annexation prior to hookup can already be seen. When areas are annexed after development it becomes a burden financially.

Motion by Councilmember Smith, second by Councilmember Seibert to require annexation before further utility service outside city limits to those areas that are not presently covered by contracts with a public hearing to be held on April 14, 2003.

Councilmember Leighan suggested postponing this until the end of April to wait for the legislature's decision. Ms. Smith and Mr. Seibert were not in agreement with this.

Motion passed 4-3 with Councilmembers Leighan, Soriano and Wright voting against.

NEW BUSINESS.

A. 2025 Population Targets.

Community Development Director Hirashima reported that the low end of the range would be close to buildout capacity of the current UGA, utilizing the existing land uses and assumptions in the Buildable Lands Analysis. They will be starting some community meetings to get public comment on this issue. She discussed ways that zoning might be changed to allow for more density in certain areas. She also mentioned considering revitalization of the downtown area and looking at expansion of the UGA as one way to expand capacity.

Councilmember Wright asked where SCT was at this point. Mayor Weiser explained that they are just starting this process of looking at the numbers. Negotiation and collaboration between the County and the cities will be ongoing. Ms. Hirashima noted that the process should be done by 2004.

Councilmember Smith asked how much choice the city really has. Ms. Hirashima said that what they want to know is from a preliminary level what looks possible as a low, medium and high range. The low range should be accommodated easily. If the city wants to be more aggressive it would require major changes throughout the Comprehensive Plan. Another thing that could be done would be to consider expansions to the UGA. She explained that the Planning Commission said that was probably not high on their list of measures to take at this time, but that they would be willing to consider it. They felt the low range was possible, but they weren't opposed to talking about the higher ranges.

Councilmember Seibert asked for clarification of the numbers. Ms. Hirashima said that Council was now commenting on the 2025 targets and she explained those numbers. He asked if the city already converted some of light industrial to a mixed use. Ms. Hirashima indicated that they did. Mr. Seibert asked if there were other factors that could be looked at to stick with the low range, such as the state of the infrastructure and the schools, etc. Ms. Hirashima responded that the lowest number that should be considered should probably be the low range. Mr. Seibert commented that citizens already feel the city is growing too fast, as reported by the Citizen Survey. He wanted to entertain the idea of accepting the lowest number possible. Ms. Hirashima commented that the County has to accept a number somewhere between the low and high range. If the city said that it would accept a lower number, another city would need to make up that difference. She thought they should pick one of the numbers that was presented as a starting point, particularly since the low range would be possible with relatively few changes. Councilmember Seibert commented that Marysville took the extra population last time when nobody else wanted it. He stated that he felt the city had done its share.

Councilmember Lisa Vares agreed and added that in addition to the infrastructure and schools, the community doesn't have the industrial development to support those extra people. She said she didn't want to take more than they absolutely had to.

Councilmember Jon Nehring agreed with Councilmember Vares. He wondered what would happen if several cities wanted the low numbers. He also referred to the Citizen Survey that reported that a high percentage of people did not want a large influx of more people until there is a tax base to support it.

Councilmember Smith said she did not agree with changing commercial or industrial land to residential zoning, as it would exacerbate an existing problem. She asked if part of the process looked at the balance between commercial and residential development to determine if the city would be able to support itself. Ms. Hirashima didn't think that weighed in to this process, but that it would be up to the individual jurisdictions. Ms. Smith suggested working towards a lower target for the population numbers.

Ms. Hirashima recapped that it was clear that both the Council and the Planning Commission were not interested in looking at higher ranges of the targets, and are reluctantly looking at the lower ranges to see if they can be accommodated.

Councilmember Seibert suggested also saying that the low level was not appropriate at this time for reasons such as infrastructure.

Councilmember John Soriano commented that he hoped that the target wasn't so low that lower income families did not feel welcome.

Councilmember Smith referred to the gap area outside the UGA between Arlington and Marysville. She stated that Arlington, who wants to expand, would likely try to obtain that area in their UGA. The impact would still be on Marysville's roads and infrastructure. She had concerns about this area and suggested that the Governmental Affairs Committee discuss this issue with Arlington.

Councilmember Wright agreed with Councilmember Smith. She said she did not want to close the door on expanding the UGA.

Councilmember Seibert inquired as to what the land was designated for and what the status was. Ms. Hirashima said it was a mix of parks, open space, mixed use and business park zoning. She indicated that the County had asked if the city was still interested in putting this on the next docket. She had responded that it was. Councilmember Seibert said that he would be willing to bargain with this area in exchange for a higher population number. Ms. Hirashima said she would reference that in the letter she was preparing as an area in which the city continues to have interest. Mr. Seibert suggested adding the Getchell Hill, Highway 9 area as well.

B. Special Events Permit; Greater Marysville/Tulalip Chamber of Commerce.

Chief Administrative Officer Mary Swenson explained that staff recommends that the Special Events Permit for the Carnival sponsored by the Marysville-Tulalip Chamber of Commerce, Downtown Merchants, and the City of Marysville is approved with the following conditions:

- Security to be provided by the applicant with coordination of the Marysville Police Department.
- Applicant to provide proof of liability insurance naming the City of Marysville as additional insured.
- Hours of operation are to be from noon to 11:00 p.m. This indicates an earlier closing time than the applicant requested.
- Public restroom facilities to be provided by applicant.
- A risk management walk-through to be conducted with Police, Fire District, and Park Department personnel.

Ms. Swenson referred to this event as a kickoff to the State Avenue project. It will be held at the waterfront park property during spring break to get the word out about the

project and the detour routes. She added that staff is working on a letter to distribute to the businesses in that area to let them know what is going on. The Chamber is committing any funds gathered to benefit the downtown area during the construction process. There will also be a booth provided at the carnival for the city to showcase plans for the downtown area.

Councilmember Seibert asked about parking. Ms. Swenson said they are looking at off-site parking along the side streets. The main entrance would be at 1st Street. Mr. Seibert then asked about traffic control. Ms. Swenson said they would be considering that. Chief Carden commented that they have not allocated any additional personnel to this event. The officers on duty will be able to assist if not otherwise needed. There was additional discussion about fencing. Parks and Recreation Director Jim Ballew explained that half of the existing fencing would be removed. Some of it will be used as a backdrop for security. They will be using portable fencing from 1st Street continuing south. The trucks will also be lined up to form a barricade.

Councilmember Smith asked if the Health Department issued permits. Ms. Swenson explained that anytime food is present a health permit is required. Ms. Smith commented that this looks like a really good idea.

Ms. Swenson added that she would like to have a staff person or elected official present at the booth at all times to help answer citizens' questions.

Councilmember Leighan commended the Chamber for pulling this together.

No one in the audience wished to comment.

Motion by Councilmember Lisa Vares, second by Councilmember Jeff Seibert to approve the Special Events Permit for the Marysville - Tulalip Chamber of Commerce Carnival. **Motion** passed unanimously (7-0).

Mary Swenson added that Community Information Officer Doug Buell has been very instrumental in coordinating this with the Chamber.

C. Hotel/Motel Tax Grant Program.

City Clerk Gerry Becker stated that this is the yearly Hotel/Motel Tax Grant. She served on Committee with Chairperson/Councilmember Nehring and Finance Director Langdon. The committee saw an influx of applications that were submitted this year. She referred to the detailed recap in Council's packet. Ms. Becker said she was available to answer any questions Council may have.

Councilmember Leighan asked what the Council's role is in this process with the change in the law. Mary Swenson explained that the Finance Committee has the final say as to how these funds are designated, but Council can make comments. There was some discussion about this.

Councilmember Nehring noted a lot of support for the Marysville Rotary's request to keep the Jennings Park Petting Zoo open. However, in City Attorney Grant Weed's opinion it was probably outside the scope of what would be allowed for the funds, although worthwhile, and might be subject to potential auditing.

Councilmember Leighan had several comments:

- The Downtown Merchants Association lists items that will be highlighted in their brochure. All events are based around 3rd Street and do not mention other Marysville events that take place in the community, such as the Strawberry Festival.
- He disagreed with the Attorney on his interpretation of the Rotary's Club application regarding supporting the Petting Zoo since this is a tourist-related issue.
- He had concerns about the Historical Society's request for museum funding. Since they aren't receiving the full amount, will they be able to complete the project?
- He also had concerns about the Chamber's request for \$27,000 for a video for the Visitor Information Center.

Councilmember Smith had concerns about the process of getting Council's input. She felt that perhaps Council's input should have been requested before the decisions had been made, not after.

Councilmember Seibert asked Councilmember Nehring to review the project applications. Mr. Nehring reviewed the projects and explained how some of the determinations had been made.

Motion by Councilmember Donna Wright, second by Councilmember Lisa Vares to approve the Hotel/Motel and Finance Committees' recommendations with the budget amendment. **Motion** passed unanimously (7-0).

D. Professional Service Agreement for Survey Work for the Water Quality Characterization of Quilceda and Allen Creek.

Public Works Director Jim Owens explained the scope of this agreement.

Motion by Councilmember Mike Leighan, second by Councilmember Suzanne Smith to approve staff's recommended action to authorize the Mayor to sign the Professional Service Agreement with Hammond Collier Wade Livingstone in the amount of \$7,500. **Motion** passed unanimously (7-0).

ORDINANCES AND RESOLUTIONS**A. An Ordinance of the City of Marysville, Washington Amending Section 19.08.030 (Residential Land Uses) of the Marysville Municipal Code Relating to Permitted Uses.**

Councilmember Leighan asked if this would allow for unattached garages in front. Community Development Director Hirashima said that was addressed in the next ordinance.

Motion by Councilmember Mike Leighan, second by Councilmember Lisa Vares to adopt Ordinance No. 2463, an Ordinance of the City of Marysville, Washington Amending Section 19.08.030 (Residential Land Uses) of the Marysville Municipal Code Relating to Permitted Uses. **Motion** passed unanimously (7-0).

B. An Ordinance of the City of Marysville, Washington Amending Section 19.12.140 (Setbacks from Alleys) Relating to Building Setbacks from Alleyways and Repealing Section 19.12.230 (Yard Setbacks for Accessory Buildings) of the Marysville Municipal Code thereby Eliminating a Separate Section for Yard Setback Requirements for Accessory Buildings which has been Incorporated into Section 19.08 MMC.

Motion by Councilmember Jon Nehring, second by Councilmember Jeff Seibert to adopt Ordinance No. 2464, an Ordinance of the City of Marysville, Washington Amending Section 19.12.140 (Setbacks from Alleys) Relating to Building Setbacks from Alleyways and Repealing Section 19.12.230 (Yard Setbacks for Accessory Buildings) of the Marysville Municipal Code thereby Eliminating a Separate Section for Yard Setback Requirements for Accessory Buildings which has been Incorporated into Section 19.08 MMC. **Motion** passed unanimously (7-0).

C. An Ordinance of the City of Marysville, Washington Amending Section 20.080.020 (Review Process) and Adding a New Section 20.080.025 (Boundary Line Adjustments with Existing Structures) of the Marysville Municipal Code Relating to Boundary Line Adjustments.

Motion by Councilmember Mike Leighan, second by Councilmember John Soriano to adopt Ordinance No. 2465, an Ordinance of the City of Marysville, Washington Amending Section 20.080.020 (Review Process) and Adding a New Section 20.080.025 Boundary Line Adjustments with Existing Structures) of the Marysville Municipal Code Relating to Boundary Line Adjustments. **Motion** passed unanimously (7-0).

D. An Ordinance of the City of Marysville, Washington Amending Sections 16.32.110 (Duties and Responsibilities of Building Official) and 16.32.160 (Specific Standards) of the Marysville Municipal Code Relating to Floodplain Management.

Motion by Councilmember Donna Wright, second by Councilmember Mike Leighan to adopt Ordinance No. 2466, an Ordinance of the City of Marysville, Washington Amending Sections 16.32.110 (Duties and Responsibilities of Building Official) and 16.32.160 (Specific Standards) of the Marysville Municipal Code Relating to Floodplain Management. **Motion** passed unanimously (7-0).

E. 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.

Motion by Councilmember Mike Leighan, second by Councilmember John Soriano to pass Resolution No. 2090, 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. **Motion** passed unanimously (7-0).

F. A Resolution of the City of Marysville Declaring Its Support of U.S. Troops.

Councilmember Vares said she was proud to have brought this before the Mayor this week with the intention of letting the men and women of the armed forces and their families know that we acknowledge the extraordinary sacrifices that they and their families are making, to salute their courage and sense of honor and to pray that they come home safely.

Councilmember Wright commented that this resolution was very well worded.

Mayor Weiser then read the resolution aloud for those present.

Councilmember Nehring concurred with Councilmembers Vares and Wright. He said he believes the sacrifices those men and women are making are remarkable. He concluded by saying that he would gladly make a motion for approval.

Motion by Councilmember Jon Nehring, second by Councilmember Lisa Vares to approve Resolution No. 2089 supporting our troops overseas and aboard the City of Marysville's adopted ship, the U.S.S. Ingraham. **Motion** passed unanimously (7-0).

Three members of the service were present - one representing the U.S. Navy and two representing the U.S.S. Ingraham.

Pam Kersh, the wife of Commanding Officer John M. Kersh of the U.S.S. Ingraham, graciously thanked the city for the great honor of this proclamation and for supporting the troops.

Jennifer Underwood, Ombudsman for the Ingraham, also gratefully thanked the city for its support.

Eric Emery, Commander Master Chief, Naval Station, Everett, thanked the city for its support on behalf of all the sailors at Naval Station in Everett.

INFORMATION ITEMS

Mayor's Business.

Mayor Weiser referred to the heightened security alert. The city has taken additional steps to monitor certain sensitive locations in the city and will continue to do so.

Staff Business.

Jim Ballew: No comment.

Jim Owens: No comment.

Glória Hirashima: No comment.

Grant Weed noted that today the State Supreme Court was to hear closing arguments in the Moses Lake case regarding the annexation by petition method. He will update Council as he has more information.

Mary Swenson issued a reminder that the Historical Society will be having a groundbreaking ceremony on March 29th at 2:00 p.m.

She then notified Councilmembers that they are planning a workshop to kick off to the budget process on either May 2nd or May 9th from 3:00 p.m. until about 7:00 p.m. May 9th appeared to be the consensus on the workshop date.

Ms. Swenson also noted that there will be a meeting on tribal issues on April 8 from 4:00 – 6:00 p.m. at Station 62, pending confirmation of meeting room availability. Councilmembers Wright and Nehring indicated they would not be able to attend. Ms. Swenson suggested possibly videotaping the meeting.

Sandy Langdon: No comment.

Chief Robert Carden informed those present that Bud Balam passed away. Mr. Balam was a police officer in the 60's. The service will be at Schaefer-Shipman Funeral Home Tuesday, April 1st, at 2:00 p.m. The Police Department will be sending a plant and condolences to the family. There will also be representatives from the Police Department in attendance at the funeral.

Also, tomorrow from 2:00 – 4:00 p.m. city staff will be preparing for an April countywide emergency management system exercise.

Call on Councilmembers.

John Soriano thanked Ms. Swenson for copies of correspondence they received tonight.

Jon Nehring commented that it looks a lot nicer near the I-5 freeway underpass. He also noted that he has not noticed the vehicle down by the driving range.

Jeff Seibert asked if the sewer lines on 71st Street are under the city's control yet. Public Works Director Owens wasn't sure. Mr. Seibert had a concern about a manhole with water coming out. Mr. Owens indicated that he would check on it.

Mr. Seibert also suggested acknowledging Police Chaplin Dennis Niva's many years of service in some way, as he will be leaving the area.

He then referred to correspondence from Mr. Stockdale and asked if the application for a permit had been filed. Mary Swenson indicated that staff will check on it.

Donna Wright: No comment.

Lisa Vares: No comment.

Mike Leighan suggested awarding Council's Citizenship Award to Dennis Niva. Mary Swenson and Robert Carden indicated their agreement with this suggestion.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m. into Executive Session to discuss one pending litigation and one real estate matter.

EXECUTIVE SESSION

Personnel

Real Estate

RECONVENE

Council reconvened into regular session at 9:20 p.m. Motion by Councilmember Vares, second by Councilmember Seibert to approve Ordinance No. 2467 creating a moratorium on the establishment of opiate substitution treatment program facilities. Motion carried 7-0.

EXECUTIVE SESSION

Council convened into Executive Session at 9:30 p.m. to discuss one real estate issue.

ADJOURNMENT

Council reconvened into Regular Session at 10:50 p.m.; took no further action; and adjourned.

Approved this 14th day of April, 2003.

David Weiser
Mayor
David Weiser

Gerry Becker
City Clerk
Gerry Becker

Laurie Hugdahl
Recording Secretary
Laurie Hugdahl

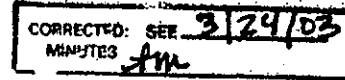
MARYSVILLE CITY COUNCIL WORK SESSION

~~000318~~ AM

March 17, 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

Pastor Greg Kanehen from the Marysville Free Methodist Church gave 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: Jon Nehring, Jeff Seibert, Suzanne Smith, John Soriano, 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; Larry Larson, Public Works Superintendent; and Bill Spies, Fleet and Facilities Manager.

COMMITTEE REPORTS

Councilmember Mike Leighan reported on the **Solid Waste Advisory Committee:**

- They have taken the Mountlake Terrace transfer station off-line and have brought Cathcart on-line.
- The Airport station is due to open at the end of August/early September at which time the Everett facility will be brought off-line.
- He noted that the haulers will have the option to have transponders on the trucks which would allow for automatic weighing and direct billing.
- They will be implementing county-wide curbside recycling.
- Tour in May of construction of Airport and Cathcart stations.

Councilmember Jeff Seibert reported on the **Public Works** meeting on March 13.

Highlights included:

- Extensive update of wastewater treatment upgrades.
- Public Works tour to be set possibly in May or June.

- Viewed map of 156th Street where railroad crossing closed and County to install cul-de-sac.
- Summary of bio-solids contract.
- Discussed the process for pre-qualifying contractors.
- Summary of the Grove Street community meeting where the issue of speeding was discussed. They have met and will be bringing back recommendations.

Councilmember Donna Wright discussed the meeting of the **Snohomish County Health Board**.

- State Health Board members were at the meeting to talk about rule-making at the State level, especially as it relates to prevention. Steps taken to prevent the West Nile Virus were discussed as an example of the preventative stance they have taken.
- They have approved a budget of \$150,000 on top of the \$50,000 to address education and outreach.
- The group Youth Against Tobacco Use was also discussed. Ms. Wright reported that tobacco use is going down among youths.
- Public Health Week will be April 7 – 13.

Councilmember Suzanne Smith reported that she was unable to attend the **Parks Board** meeting on Wednesday, but that she was planning to get an update from Parks and Recreation Director Jim Ballew.

DISCUSSION ITEMS

A. Utilities Outside City Limits.

Mayor David Weiser referred to Council's packet which contains minutes from five separate retreats regarding this topic and material from the 2001 retreat notebook. The packet also contains Arlington and Tribe Agreements regarding utility service issues.

There was significant discussion on this issue. First the history of the Rural Utility Service Area (RUSA) was discussed. This plan stated that the City would serve utilities outside the city limits, but inside the urban growth boundary. Chief Administrative Officer Mary Swenson reported that historically the City has served outside the city limits for the past 40 years with the goal that those areas would be in the city limits at some point.

Councilmember Jeff Seibert clarified that they would continue to honor contracts and had no intention of changing that. City Attorney Grant Weed explained that he felt it was important to understand the commitments the City has with areas outside the city limits. He also referred to the RUSA plan adopted in the 80s. He noted that it was ahead of its time in terms of growth management. He then stated that all of the City's capital planning and bonding has been done based on assumptions of serving outside

the city limits. Councilmember Lisa Vares asked if it could affect bond rating for projects other than sewer. Mr. Weed replied that it could.

Mr. Weed continued to outline the City's responsibilities to provide services outside the city limits. He referred to a major agreement with the City of Everett based upon service throughout the City's Utility Service Area, not the city limits. Also, GMA imposes some obligations on the City to provide service throughout the UGA. He noted that Marysville is the primary service provider for the area. Finally the certification of water rights for well systems is based on servicing areas outside the City. All of those things need to be considered in changing the policy.

Councilmember Seibert referred to the minutes from the Marysville City Council Retreat on March 12, 1999 which say that the purpose of the code (the expansion policy) is to encourage annexation and to discourage leapfrog development. He pointed out that the Sunnyside area would be an effort toward long-range planning. He felt that the City should still plan to service the area, but with the requirement to annex into the City first. Mr. Seibert then referred to Chapter 14.32 Utility Service Area of the Marysville Municipal Code, which discusses the City's long term utilities plans. He summarized that this plan states that it is not a commitment to serve, just a commitment to plan for the future. Mr. Seibert said this should be viewed as a tool for long-range planning. Councilmember Seibert then referred to sections stating that the City was not obligated to service this area and that the boundaries may be revised at any time.

Mr. Seibert asked Finance Director Sandy Langdon about the bonding issue. Ms. Langdon stated that the amount that the City bonds is based on the availability of being able to service the debt. They also look at actions of the Council – if they are generally supportive of funding rate increases when needed. She then stated that the projection is based primarily on existing customers and service in the area.

Councilmember Seibert next asked Grant Weed about recovery contracts in the Sunnyside area. He questioned the possibility of having a new contract which superceded all other agreements. Mr. Weed said that the City is bound to honor the agreements it currently has, however the City can change its policy regarding property owners in the Sunnyside area who are outside the Trunk D recovery contract area.

Councilmember Suzanne Smith asked about suspending the timeline for recovery. Mr. Weed explained there would be an issue with developers who entered into an agreement with the City with the anticipation of recovering their money. This would take time away from their 15-year window of recovering fees and would be difficult to do now that the time period has already begun. It would require agreement by developers who entered into the agreement with the City.

Councilmember Mike Leighan questioned what kind of outcome Councilmember Seibert was seeking. Councilmember Seibert explained that his hope is to bring those property owners into the City in order to get the benefit of fees and also to raise the standard of fees in those areas. He also mentioned that he felt it would increase the cohesive nature of the area.

Mike Leighan suggested doing an annexation by the election method in areas that are likely to have the growth. Councilmember Seibert agreed and added that the areas should be annexed before growth occurs. He said that hopefully the State will work out a method where the City is able to do that. Grant Weed referred to a bill in the Senate which is intended to address some of these issues. There was then a short discussion about the process of plat approval and the repercussions that might occur if the City changed its policy after a developer had already begun the process.

Community Development Director Gloria Hirashima referred to a map in the packet which showed areas in which the City does have some sort of commitment. She also pointed out that the areas which have the potential for growth: Sunnyside and Lakewood. Both have undeveloped areas. Currently the City does not have a plan for the Lakewood area and this is an opportunity to do some advance planning. Councilmember Donna Wright pointed out that both of those areas have other water service providers available to them. Ms. Hirashima explained that sewer is really the critical issue for developers.

Councilmember Jon Nehring asked if there had been a cost-benefit analysis done regarding annexation before vs. after development. Mary Swenson answered that one had been done awhile ago. She explained that when a City annexes an area it stretches the City for an interim period, but there are definite benefits. Councilmember Nehring pointed out that the only card the City has is the hookup issue. Once that is done, there's nothing else that can be done to encourage annexation. He felt that the City did not gain anything by annexing in a big chunk of developed residential area. He asked what other cities do on this issue. Grant Weed replied that Snohomish has had a policy to not serve outside the city limits. Now it is planning to serve outside the city limits.

There was then a short discussion about the difference in rates inside and outside the city limits (customers outside the city limits pay 50% more). Also discussed was the high percentage of water (52% of customer base) and sewer (42% of customer base) customers outside the city limits.

Jeff Seibert said that in the long term there will be a lot more development and the City needs to try to plan for that. He stated that if the urban growth boundary is expanded to accommodate population growth, the City needs to deal with this practically.

Councilmember Suzanne Smith agreed that the City needs to take advantage of the situation now. She discussed the loss of fees in the areas of school impact fees, traffic impact fees, parks and REET taxes. She suggested imposing impact fees in order to regain some of the lost fees. Grant Weed explained that the purpose of the Interlocal Agreement was to address the recovery of some of those fees.

Councilmember Donna Wright asked how likely the City was to see litigation if they change the policy. Grant Weed indicated that there was an increased likelihood of litigation. He noted the importance of doing it properly in order to honor the commitments the City currently has.

Councilmember John Soriano inquired about the percentage of annexations which could be attributed to covenants. He stated that the utility should serve as a commitment. Mayor Weiser commented that in recent years councils have been more willing to use the annexation covenants than they had been in the past.

Councilmember Lisa Vares asked if the legislative decision might fix some of these problems. Grant Weed replied that it might help fix some situations, especially in contiguous areas. He added that if they reinstate an annexation by petition method it would help fix the process for annexing vacant land.

Councilmember Jeff Seibert summarized his thoughts by saying that the urban growth area will eventually be part of the City. It would be a burden on the City to annex it after it is already developed; it makes sense to require property owners to annex before servicing.

B. 2025 Population Targets.

Community Development Director Gloria Hirashima stated that cities have been asked to provide comment on the draft initial population and employment targets for 2025. This review is one of the initial steps in completing the County-wide and jurisdictional updates of comprehensive plans in conformance with GMA. The plan updates and final reconciliation of population targets will be occurring between 2003 and 2005. The State deadline for comprehensive plan updates and development regulations is December 1, 2004.

She explained that the Council reviewed the buildable lands capacity information and population growth process information on October 7, 2002. There was a Snohomish County Tomorrow (SCT) retreat held on October 26, 2002 which Mayor Weiser, Councilmember Smith, and Ms. Hirashima attended. The County and cities, through SCT, are currently reviewing the draft initial targets. These targets will provide guidance for city and county comprehensive plan development. However, as the land uses and public process is refined further through comprehensive plan development, there will be opportunities to review and reconcile the numbers further.



Ms. Hirashima said that the Planning Commission discussed the target information at their meeting on March 11, 2003. Their comment was that the ranges were valid for further analysis in development of the comprehensive plan. They were supportive of reviewing the City's development policies and potentially asking for reconsideration of the buildable lands assumptions as they relate to downtown development. The Commission also felt that the City should be open to studying expansion of the urban growth area if other measures are not sufficient to address the population targets. The low end of the range would be close to buildout capacity of the current UGA, utilizing the existing land uses and assumptions in the Buildable Lands Analysis. If, however, land uses are revised, and the Buildable Lands Analysis assumptions are reconsidered for downtown development, it would seem conceivable to accommodate the target range (low-high). These issues will be explored further in development of the comprehensive plan.

Ms. Hirashima referred to a game played at the SCT retreat where the participants needed to allocate the growing population. She stated that most of the participants felt the population should be given to Marysville and this was based on an assumption that Marysville would be redeveloping its downtown area. She commented that the City needs to give feedback to the SCT Growth Management Advisory Council by April 1.

Councilmember Jeff Seibert suggested that her feedback should state that the low range looked possible. Ms. Hirashima said that all cities are struggling to really look at their vacant lands to determine if and how they can accept any more population. Councilmember Seibert asked to review a draft of what Gloria was going to offer as feedback to SCT. She said she had wanted to listen to Council's comments first, but that she would have something ready for the meeting next week.

Mayor Weiser recapped that the lower end could be accommodated at the existing land use. Gloria agreed and added that the City has enough at buildout and current land uses in the UGA. She said that the City's initial comment would be that the low end of the range would potentially be applicable.

Councilmember Leighan raised the concern about having too much affordable housing. There was discussion about the ways to encourage development of better quality homes in order to raise more tax revenue.

CONSENT AGENDA ITEMS

C. Approval of New Liquor License for "R" Place Pub and Grill.

No comments.

D. Authorize Mayor to Sign Cooperative Purchasing Agreement with the City of Bellevue for the Purpose of Purchasing Meter Van Replacements.

John Soriano asked what type of vehicles these would be. It was determined that these would be modified Jeep Wranglers. Councilmember Suzanne Smith asked if these were in the budget. Fleet and Facilities Manager Bill Spies explained how these would be replacing two vehicles which were in the budget.

E. Approval of Liquor License Renewals for Kuhnle's Tavern, Maxi's Restaurant, 7-Eleven #2306-32834A (3609 88th Street NE.), 7-Eleven #29536 (10012A Shoultes Road), Acapulco Mexican Restaurant, and La Hacienda #4.

No Comments.

F. Authorize the Mayor to Sign the No-Cost Supplemental Service Agreement with Hammond Collier Wade Livingstone for the State Avenue Trunk Sewer Extension Project.

No Comments.

G. Affirm the Hearing Examiner's Recommendation to Approve the Waterfront Park Conditional Shoreline Substantial Development Permit.

Councilmember Seibert referred to a shifted driveway he had heard of and asked if it was reflected in the drawing. Gloria Hirashima replied that it was not indicated in the drawing, but she will get something that does show that. There was then discussion about driving a pile for the marina.

Councilmember John Soriano referred to correspondence from Eric Stockdale, a wetland specialist, and asked to receive a copy as it looked interesting.

H. Addendum to Lease between the City of Marysville and Wicks Properties for 6-Month Extension.

Councilmember Leighan asked if the City was being required to do this on a 6-month extension. Mary Swenson explained that the City would be paying more than this if it went month-by-month. There was a short discussion about when it would be available.

I. Accept the 88th Street NE/67th Avenue NE Traffic Signal as Complete and Begin 45-Day Lien Filing Period.

No Comments.

NEW BUSINESS

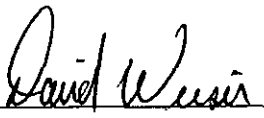
A. Special Events Permit; Greater Marysville Tulalip Chamber of Commerce.

Mary Swenson explained that the group wants to move the carnival to the Marysville side from the Tulalip side during Spring Break week (April 3-13). This will be an opportunity for the City to inform citizens about the construction and detour routes. The carnival will be at the waterfront park area which will need to be cleaned up a little. There was also discussion about parking vehicles and putting up a temporary fencing to block off the back part of the lot. Ms. Swenson further commented that this would spotlight, in a positive way, the State Avenue project, the waterfront project and Strawberry Fields. She added that the Chamber is putting it together as a way to help downtown merchants.


ADJOURNMENT

Mayor Weiser adjourned the work session at 9:30 p.m.

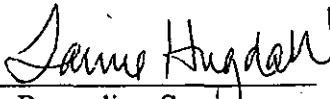
Approved this 24th day of March, 2003.



Mayor
David Weiser



City Clerk
Gerry Becker



Recording Secretary
Laurie Hugdahl