

August 25, 2003

Marysville City Council  
7:00 p.m.**ORIGINAL** City Hall

<b>Call to Order/Pledge of Allegiance/Roll Call</b>	<b>7:00 p.m.</b>
<b>Approval of Minutes</b>	
Approval of August 11, 2003 City Council Meeting Minutes.	Approved
Approval of August 18, 2003 City Council Work Session Minutes.	Approved
Approval of July 29, 2003 Joint Meeting Minutes.	Approved
<b>Consent Agenda</b>	
Approval of August 25, 2003 Claims in the Amount of \$1,649,278.08; Paid by Check No. 9354 through 9664 with Check No. 9369, 9430, 9440, 9476, 9511 and 9512 Void.	Approved
Approval of August 20, 2003 Payroll in the Amount of \$485,600.26; Paid by Check No. 11242 through 11333 with Check No. 11242 Void.	Approved
Approval of New Liquor License for Marysville Tobacco Bar.	Approved
Authorize Mayor to Sign Distribution Easement; Snohomish County PUD #1.	Approved
Approval of Supplemental Agreement No. 10 for State Avenue (116th – 136th Street N.E.) Improvement Project; Skillings-Connolly, Inc.	Approved
Set Public Hearing Date for September 8, 2003 Regarding Harry's Towing.	Approved
<b>Review Bids</b>	
Approval of Bid for the Wastewater Treatment Plant Upgrade and Expansion Phase 2 Project to Imco General Construction.	Approved
Approval of the Apparent Low Bid for the Construction of the Strawberry Fields Maintenance Building from Construction Concepts of Snohomish.	Approval
<b>Current Business</b>	
Adoption of Economic Development Land Use & Permitting Committee Recommendations; Direct Staff to Return with Resolutions.	Approved
Approval of Opiate Substitute Treatment Program Facilities (OSTPF) Being Allowed in LI and GI Zones or as an EPF in Commercial Zones.	Approved
<b>New Business</b>	
Authorize Mayor to Sign Interlocal Agreement for Joint Operation of Fire & Emergency Medical Protection Facilities.	Approved
Approval of Hearing Examiner's Decision; Rezone, Preliminary Plat, and Utilization of Density Incentives for Parkside Way; PA 0302005	Approved
<b>Ordinances and Resolutions</b>	
Adoption of Surface Water Management Plan, Technical Appendices A-H and Surface Water Rate Study as a Sub-element of Growth Management Plan.	Approved Ord. No. 2485
Adoption of Surface Water Utility Rates for 2004-2006 and Amending MMC Chapter 14.19.	Approved Ord. No. 2486

August 25, 2003

Marysville City Council  
7:00 p.m.

000524

City Hall

Approval of Recommendations of Planning Commission for Text and Map Revisions Entitled the "Smokey Point Sub-Area Plan"; Approval of the Area-Wide Rezone Implementing the Preferred Land Use Alternative; Adoption of Development Regulations Set Forth in Smokey Point Sub-Area Plan.	Approved Ord. No. 2487
<b>Mayor's Business</b>	
Approval of Exercising Option to Purchase Property.	Approved
Approval of \$50,000 Contribution Toward TIB Grant Project.	Approved
<b>Call on Councilmembers</b>	
Approval of Directing City Engineer Kevin Nielsen to Develop Innovative Suggestions on Stormwater to Help Developers with Issues Related to DOE Manual.	Approved
<b>Adjournment</b>	9:32 p.m.
<b>Executive Session</b> Discussed one real estate issue.	9:45 p.m. No Action Taken
<b>Adjournment</b>	10:15 p.m.

MARYSVILLE CITY COUNCIL MEETING

August 25, 2003

7:00 p.m.

City Hall

**CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION**

Mayor David Weiser called the August 25, 2003 Marysville City Council to order at 7:05 p.m. He then led those present in the Pledge of Allegiance. There was no 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, Lisa Vares, and Donna Wright.

**Staff:** Steve Winters, Police Commander; Robb Lamoureux, Police Commander, Mary Swenson, Chief Administrative Officer; Cheryl Beyer, City Attorney; Gloria Hirashima, Community Development Director; Jim Owens, Public Works Director; Kevin Nielsen, City Engineer; Fire Chief Greg Corn and Jim Ballew, Parks and Recreation Director.

**COMMITTEE REPORTS**

Councilmember John Soriano reported that the **LEOFF 1 Committee** approved four claims and approved new limits of coverage for various items.

Councilmember Jon Nehring then reported that the **Finance Committee** had an update on the General Fund and had discussed the budget calendar. He reported that October 10-11 is the tentative date for the budget workshop. Another one might be held on October 17 if needed.

**PRESENTATIONS**

**A. Service Award Presentation.**

*David Zull, Associate Engineer – 5 Years.*

Public Works Director Jim Owens reported that Mr. Zull is an incredibly good employee. He said Mr. Zull has been working as an Associate Engineer in Public Works. He presently works on utility extensions, sidewalk improvements, right-of-way plans and miscellaneous projects. Some of his specific talents include survey design and inspection.

Mr. Zull has a huge workload with an amazing ability to get everything completed. He was involved with the Grace Creek Realignment and other complicated projects. He is also a certified master modeler. In addition to his other skills, Mr. Zull is very proficient in the City's Water CAD program and is working to make the system more efficient. He and his family moved up from California after falling in love with this area.

***Marty Norsby, Facilities Maintenance – 5 Years.***

Mr. Norsby started with the City in 1998 in the Public Works department. He moved into meter reading and then into the street department. For the last two years he has worked in Facilities Maintenance. He completed a 4-year carpenter/millwright program, which accounts for his ability to do such quality work. He is also a certified locksmith and use to own his own business. He has a strong knowledge of building construction and maintenance and was a key player in the Public Works building remodel and the move into the new City Hall. Mr. Owens congratulated Mr. Norsby for his dedicated service to the City.

***Patricia Duemmell, Program Specialist, Police Department Records – 10 Years.***

Police Commander Robb Lamoureux reviewed Ms. Duemmell's history with the City. He stated that she was employed in August of 1993. She is assigned as a records clerk and a part-time property and evidence clerk. She maintains the records and reports and also manages the property and evidence room. Commander Lamoureux reported that she does a great job. She is also a trainer for some other areas. Ms. Duemmell is always willing to help out when needed. She has been the liaison with the Special Olympics and this year they raised over \$4,000. She loves running and has run two marathons. She was also part of the Law Enforcement Torch Run. Commander Lamoureux concluded by stating that he sincerely appreciates her service to the City.

## **AUDIENCE PARTICIPATION**

**Bill Binford, 11417 – 124<sup>th</sup> Avenue NE #201, Kirkland, WA**

Mr. Binford thanked the City Council for the opportunity to address them. He reported on a newly formed group, Citizens for Economic Development in Marysville, which has members from the TRAP group who are interested specifically in Marysville. The group started today and has 12 members who support a letter, which they submitted to the Council. He stated that TRAP has made tremendous progress in a short time and he believes this group will also. He believes that stormwater is the next critical issue to address. The group is recommending a 4-step process in order to see real economic development:

1. Interim and temporary suspension of the new DOE Stormwater Manual until regional detention can be put in place.
2. Correct drainage blockages at 136<sup>th</sup> Street N.E.
3. Clean out Smokey Point channel.

4. Locate and get control of one or two regional detention sites so it can move ahead with a design by summer of 2004.

Councilmember Mike Leighan asked staff about the drainage district in the north end. Public Works Director Owens said it has been disestablished. Councilman Leighan asked about the easements to maintain the ditches. Mr. Owens was not sure if they were still valid or not. Mr. Binford commented that he believed those were still in place. There was discussion about landowners and the County's rights to maintain those ditches. Mr. Owens said he would check with City Attorney Grant Weed. Councilmember Suzanne Smith also referred to the drainage district. She commented that if it were disbanded it would have required some sort of official action. City Engineer Kevin Nielsen agreed with that although he stated the records were not clear exactly how it was disbanded. He stated that they would still need to go through a permitting process in order to get an HPA (Hydraulic Project Approval). He noted that if it is an emergency the permitting process can go more quickly, but he could not speculate on how long the process would take. He did mention that it would involve mitigation. There were no further comments.

**Ed Mohs, 1214 Beach, Marysville, WA.**

Mr. Mohs commented on the following three issues:

*1. Drug activity on Beach Avenue*

He described an incident that had taken place in front of his house and the accompanying police response to his 911 call. He was displeased that he had not received a follow-up call or any further inquiry from the police department.

*2. Neutral Zone of Mountlake Terrace/Scriber Lake High School, Lynnwood*

Mr. Mohs reminded Council of his interest in this anti-drug, anti-crime youth program. He gave details about the program and reported on its success in Lynnwood. He expressed a strong desire to see something similar implemented in Marysville.

*3. Garbage/Trash Bins on Beach Avenue*

Mr. Mohs reported a trash problem on Beach Avenue, which has gotten worse since the Fourth of July. He reported that citizens in the neighborhood have been out there trying to clean it up. He suggested a clean up and also installing park-type trash bins along Beach Avenue at the rectangular sites where trees are not located.

CORRECTED: SEE	9/8/03
MINUTES	

Councilmember Jon Nehring thanked Mr. Mohs for his comments and suggestions, especially for his tenacity regarding the Neutral Zone. He asked if the City Attorney could look into grants for the Neutral Zone. Chief Administrative Officer Mary Swenson explained that the YMCA is currently doing something similar called the Y-Zone. She stated that both programs have been very successful. Councilmember Nehring then asked if there had been street sweepers in the Beach Avenue area since the Fourth of July. Ms. Swenson was fairly certain there had been. She proposed trying to get an Adopt a Street program on Beach Avenue.

**APPROVAL OF MINUTES**

000528

**A. August 11, 2003 City Council Meeting.**

**Motion** made by Councilmember Leighan, seconded by Councilmember Lisa Vares to approve the August 11, 2003 City Council Meeting minutes as presented. **Motion** passed unanimously (7-0).

**B. August 18, 2003 City Council Work Session.**

**Motion** made by Councilmember Nehring, seconded by Councilmember Leighan to approve the August 18, 2003 City Council Work Session minutes as presented. **Motion** passed unanimously (5-0) with Councilmembers Donna Wright and John Soriano abstaining, as they were not present at the work session.

**C. July 29, 2003 Joint Meeting (Committee of the Whole).**

**Motion** made by Councilmember Vares, seconded by Councilmember Suzanne Smith to approve the July 29, 2003 Joint Meeting minutes as presented. **Motion** passed unanimously (7-0).

**CONSENT AGENDA**

Mayor Weiser asked if there was anyone in the audience or any councilmembers who wished to have any of the items removed for further discussion. No one responded.

**Motion** made by Councilmember Leighan, seconded by Councilmember Donna Wright to approve Consent Agenda Items A-F. **Motion** passed unanimously (7-0).

- A. Approval of August 25, 2003 Claims in the Amount of \$1,649,278.08; Paid by Check No. 9354 through 9664 with Check No. 9369, 9430, 9440, 9476, 9511 and 9512 Void.**
- B. Approval of August 20, 2003 Payroll in the Amount of \$485,600.26; Paid by Check No. 11242 through 11333 with Check No. 11242 Void.**
- C. Approval of New Liquor License for Marysville Tobacco Bar.**
- D. Authorize Mayor to Sign Distribution Easement; Snohomish County PUD #1.**
- E. Supplemental Agreement No. 10 for State Avenue (116th – 136th Street N.E.) Improvement Project; Skillings-Connolly, Inc.**
- F. Set Public Hearing Date for September 8, 2003 Regarding Harry's Towing.**

**REVIEW BIDS****A. Wastewater Treatment Plant Upgrade and Expansion Phase II.**

Public Works Director Owens explained that they had received additional information about the aerator price. He reported that the bid had ended up with a mistake by the bidder. The bid tab is incorrect, but it is corrected in the entire bid. The bidder has indicated he would recalculate if necessary. Councilmember Jeff Seibert thanked Mr. Owens for looking into that matter.

Councilmember Seibert excused himself from voting on advice from the City Attorney due to a possible conflict of interest between his employer and the bidder.

**Motion** made by Councilmember Leighan, seconded by Councilmember Vares to award the bid for the Wastewater Treatment Plant Upgrade and Expansion Phase 2 project to Imco General Construction, the apparent low bidder, in the amount of \$8,776,308.51 including WSST, and; authorize the Mayor to sign the contract documents, and approve a 5% management reserve of \$438,815.43 including WSST. **Motion** passed unanimously (6-0) with Councilmember Seibert abstaining.

**B. Strawberry Fields Engineered Maintenance Building Bid.**

Parks and Recreation Director Jim Ballew noted that he received four bids. He explained that the apparent low bid is from Construction Concepts Corporation of Snohomish. The project includes constructing a maintenance building, which will be located directly behind the caretakers' residence at Strawberry Fields. Councilmember Nehring asked about the balance of the replacement cost. Mr. Ballew responded that the fencing and gating would also be completed. The remainder would be held in the fund if needed until the disbursement of the funds for replacement of the contents of the building. Councilmember Leighan had concerns about the disparity between the low and high bids. Mr. Ballew explained that the low bidder only does this type of work. The high bidder does not normally do this type of work. Mayor Weiser asked if any of the bidders were in the audience and wished to comment. There were none.

**Motion** made by Councilmember Nehring, seconded by Councilmember Seibert to approve the apparent low bid for the construction of the Strawberry Fields Maintenance Building from Construction Concepts of Snohomish in the amount of \$19,151.00 plus applicable sales tax and a project management reserve of 10% including applicable sales tax for a total project budget of \$23,033.24 and to authorize the Mayor to sign the City's standard Public Works Contract as approved by the City Attorney's office. **Motion** passed unanimously (7-0).

**CURRENT BUSINESS****A. Economic Development Land Use & Permitting Committee Recommendations.****Steve Muller, 4919 Sunnyside Blvd., Marysville, Co-Chair of the Economic Development Land Use & Permitting Committee.**

Mr. Muller explained that he hoped Council would take the necessary steps to support and implement these recommendations. Councilmember John Soriano asked about the Letter of Completeness. Mr. Muller explained that there would be a focus person for this and that staff is already looking at this. Councilmember Soriano then referred to the "tiered traffic impact fee system" and asked what this was. Community Development Director Gloria Hirashima explained that it had to do with development incentives and is currently under discussion with the committee. More information about this will be coming to the Council.

Councilmember Nehring had questions about the merit system criteria. Mr. Muller said it was performance-based (i.e. - meeting the timeline in place). Mary Swenson commented that this would dovetail with the Employee Recognition Program that Council has already approved so funds are available. Councilmember Nehring thanked Mr. Muller and the other members of the committee for their hard work. He then asked about Council's role in this. Mary Swenson suggested putting this into some form of resolution. She also explained that they are looking at staffing and may need to add a person. Councilmember Nehring suggested outsourcing as an alternative. Gloria Hirashima commented that they have already cut 2.5 positions this year. Councilmember Smith commented that she had thought that the developers would be bearing more of these costs for overtime. Ms. Hirashima responded that this is referring to the daily operations/customer service position, which would be difficult to outsource. They have been shifting things around, but this has created more disruption and they are trying to manage that better. Councilmember Smith then suggested replacing some of the senior level staff with someone to handle daily responsibilities and have developers cover the costs of consultants. Ms. Swenson explained that consistency and predictability are very important in this department. This would be difficult with a consultant. She added that they will be bringing forward a recommendation. Councilmember Seibert suggested that perhaps there needs to be another senior staff person to handle the counter in order to relieve bottlenecks and have those issues solved sooner. Public input was solicited. There was none.

**Motion** by Councilmember Vares, seconded by Councilmember Nehring to adopt these recommendations generally as a guideline document and direct staff to bring the recommendations back in the form of resolutions by the 3<sup>rd</sup> and 4<sup>th</sup> meetings of September. **Motion** passed unanimously (7-0).



**B. Planning Commission Recommendation on Opiate Substitute Treatment Program Facilities (OSTPF) Draft Ordinance PA 0304013.**

Community Development Director Hirashima noted that they provided more information in Council's packets as well as a map, which showed where permitted areas might be. She explained that Miae Christofferson from DSHS was in attendance and would be available as an information source. Ms. Hirashima added that they had not been able to contact any hospitals to obtain any information from them about meth patients.

**Miae Christofferson, DSHS, P.O.B. 45330, Olympia.**

Ms. Christofferson explained that she was there to answer any questions.

- Councilmember Nehring thanked her for coming. Councilmember Nehring asked if people generally live close by a clinic or if they typically commute. Ms. Christofferson answered that at this time the closest clinic is in Shoreline so most do commute. She does not believe that people move close to the clinics. Right now there are 3,000 people going to Seattle to get their medications. She commented that the Stillaguamish clinic was approved today; Everett looks like it is close and Lynnwood is likely to follow. If this is the case she does not believe another clinic will be necessary in Snohomish County. Councilmember Nehring then asked if the numbers have grown. She indicated that there has not been significant growth. He also asked about crime. She noted that the Police Chiefs of both Everett and Lynnwood have been very supportive.
- Councilmember Vares then asked about the impact on emergency services. Ms. Christofferson indicated that the need for emergency services decreases significantly.
- Councilmember Leighan asked about the number of clients per clinic. She replied that the maximum number per clinic is 350 as determined by state law. She noted that there are very strict regulations. She then explained that the beginning stage of treatment requires treatment six days a week. She reiterated that the three centers would handle the current need.
- Councilmember Seibert asked if the Stillaguamish program would be open to all. She indicated that it would. There was discussion about treatment modalities – drug-free treatments versus methadone treatment. Councilmember Seibert asked about siting criteria for drug-free clinics. She was not aware of any.
- Councilmember Nehring then asked how long this type of treatment had been around. Ms. Christofferson thought that it had been around for 20-30 years, but in 2001 the legislature mandated a law, which prohibited counties from not locating in their area.
- Councilmember Soriano asked if community meetings were held even if Council approved. She indicated that they would be.

Public input was solicited. There was none.

**Motion** made by Councilmember Vares, seconded by Councilmember Nehring to approve allowing OSTPFs in Light Industrial (LI) or General Industrial (GI) or as a hard to site public facility (EPF) in commercial zones. **Motion** passed unanimously (7-0).

## **NEW BUSINESS**

### **A. Interlocal Agreement for Joint Operation of Fire & Emergency Medical Protection Facilities; Snohomish County Fire District No. 12.**

Fire Chief Greg Corn explained the need for this updated interlocal agreement. He reviewed the primary changes, which were in the budget process and also in accommodating the fire commissioner representation resulting from the merger of Fire District #20 into Fire District #12. There were no questions.

**Motion** by Councilmember Seibert, seconded by Councilmember Vares to authorize the Mayor to sign this Interlocal Agreement for Joint Operation of Fire and Emergency Medical Protection Facilities. **Motion** passed unanimously (7-0).

### **B. Rezone, Preliminary Plat, and Utilization of Density Incentives for Parkside Way; PA 0302005.**

Community Development Director Hirashima reviewed this rezone. Councilmember Leighan asked if the park issues had been corrected. Ms. Hirashima explained that they had been resolved for the most part. Mr. Leighan then inquired about woodpeckers. Ms. Hirashima responded that it had not been an issue. There was no public comment.

**Motion** made by Councilmember Vares, seconded by Councilmember Wright to affirm the Hearing Examiner's decision. **Motion** passed unanimously (7-0).

## **ORDINANCES AND RESOLUTIONS**

### **A. An Ordinance of the City of Marysville Adopting the City of Marysville Surface Water Management Plan, Technical Appendices "A" through "H" and Surface Water Rate Study as a Sub-element of the City's Growth Management Comprehensive Plan.**

**Motion** made by Councilmember Wright, seconded by Councilman Soriano to adopt Ordinance No. 2485, an Ordinance of the City of Marysville adopting the Surface Water Management Plan, Technical Appendices A – H an Surface Water Rate Study as a sub-element of the City's Growth Management Comprehensive Plan. **Motion** passed 6-1 with Councilmember Smith voting against.

### **B. An Ordinance of the City of Marysville Adopting Surface Water Utility Rates Effective January 1, 2004 for the Years 2004 through 2006 and Amending MMC Chapter 14.19.**

**Motion** made by Councilmember Leighan, seconded by Councilmember Vares to adopt Ordinance No. 2486, an Ordinance of the City of Marysville adopting Surface Water Utility Rates effective January 1, 2004 for the years 2004 through 2006 and amending MMC Chapter 14.19. **Motion** passed 6-1 with Councilmember Smith voting against.

- C. An Ordinance of the City of Marysville, Washington Amending Ordinance No. 2068 Relating to the Marysville Growth Management Comprehensive Plan; Approving the Recommendations of the Marysville Planning Commission for Text and Map Revisions Entitled the "Smokey Point Sub-Area Plan" Pursuant to the City's Annual Amendment and Update Process; Approving the Area-Wide Rezone Implementing the Preferred Land Use Alternative Recommended by the Planning Commission and Adopting Development Regulations Set Forth in the Smokey Point Sub-Area Plan as Appendix A.**

**Motion** made by Councilmember Wright, seconded by Councilmember Leighan to approve Ordinance No. 2487. **Motion** passed unanimously (7-0).

- D. An Ordinance of the City of Marysville, Washington Amending Section(s) 19.06.050A, Adding a Footnote 16 to 19.06.050B Related to Opiate Substitution Treatment Program Facilities and Adding a New Section 19.06.364 Opiate Substitution Treatment Facility.**

See above in Current Business.

## INFORMATION ITEMS

### Mayor's Business.

Mayor Weiser referred to the Option to Purchase Property, which had been discussed at the last work session. He noted that the City Attorney needed a motion to exercise the Option to Purchase.

**Motion** by Councilmember Leighan, seconded by Councilmember Wright to approve exercising the Option to Purchase Property discussed at the last work session. **Motion** passed unanimously (7-0).

Mayor Weiser then updated Council on the application process for grant money from TIB. They have yet to hear how the private sector will come through. Lisa Vares informed the Council that the total funding package is still in flux. Congressman Larsen has pledged \$2M. Ms. Vares noted that although they realize that the figure can change the general feeling is that it will be close to \$2M. She reviewed the potential funding sources then added that Marysville should step up to the plate in some fashion. Mary Swenson commented that the TIB application has to be in by August 29. She added that this was a huge undertaking. There was significant discussion about how much the City should

contribute toward the project. The general consensus was that this was a real benefit to the community and would be for years to come although there was notice that other major traffic improvements and a regional detention project, which also need to be funded.

**Motion** made by Councilmember Leighan, seconded by Councilmember Seibert to approve Resolution No. 2103 to contribute \$50,000 to the project. **Motion** passed unanimously (7-0).

**Staff Business.**

**Steve Winters** had no comment.

**Mary Swenson** had no comment.

**Cheryl Beyer** had no comment.

**Jim Owens** had no comment.

**Kevin Nielsen** informed Council that the City should be receiving \$10M from the Public Works Trust Fund in March 2004.

**Jim Ballew** thanked the Mayor and some of the councilmembers for attending the senior luncheon. He complimented Maryke Burgess, Ken Baxter Senior Community Center Coordinator, for putting the event together. He also noted that they had quietly celebrated the 1-year anniversary of the skate park. He noted that the only problems they have had have been with graffiti. He added that the summer Recreation programs end Friday and school programs will be starting soon. He explained that because of reduced funding the after school busing has been cut dramatically.

**Call on Councilmembers.**

**John Soriano** had no comment.

**Jon Nehring** asked about the City Picnic on Wednesday. Ms. Swenson said she would call him.

**Jeff Siebert** made a **Motion**, seconded by Lisa Vares to ask Kevin Nielsen to come up with innovative suggestions on stormwater to help developers out with issues related to the DOE Manual. **Motion** passed unanimously (7-0).

**Donna Wright** referred to a meeting she attended with members of the legislature and Veterans and Military Affairs in Everett to discuss 2005 base closures. She noted the importance of local and state governments doing everything they can to support the base here. Councilmember Leighan asked if there was a recommendation. Councilmember

Wright responded that the committee is just starting and they will be contacting the Council with recommendations.

**Lisa Vares** made a **Motion**, seconded by Jeff Seibert, on behalf of the Image and Identity Committee to ask staff to come up with an agreement regarding panhandling and loitering. Mayor Weiser asked if they could come back with recommendations and further discussion. Ms. Vares was in agreement with this.

**Mike Leighan** asked Jim Ballew for an update on the driving range and Strawberry Fields. Mr. Ballew updated Council on the status on both of these. Mr. Leighan then thanked whoever cut the kneeholes out of the Council desks in the Council Chambers.

**Suzanne Smith** commented on the Neutral Zone. She asked to receive more information on this. Mary Swenson said she would get that for Council. Councilmember Smith then referred to the Adopt a Street suggestion for Beach. Ms. Swenson indicated she would get back to her with more information on that.


#### ADJOURNMENT

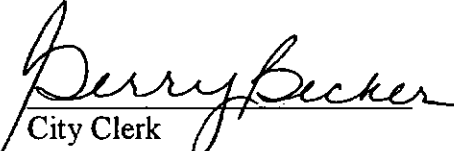
Seeing no further business, the regular meeting was adjourned at 9:32 p.m. Mayor Weiser indicated that there was one real estate issue to be discussed in Executive Session. Executive Session was scheduled to begin at 9:45 p.m. and to last for approximately thirty minutes.

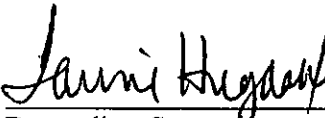
#### EXECUTIVE SESSION

Council met in Executive Session at 9:45 p.m.; reconvened into regular session; took no further action; and adjourned at 10:15 p.m.

Approved this 8<sup>th</sup> day of September, 2003.

  
 Mayor  
 David Weiser

  
 City Clerk  
 Gerry Becker

  
 Recording Secretary  
 Laurie Hugdahl

## MARYSVILLE CITY COUNCIL WORK SESSION

August 18, 2003

7:00 p.m.

City Hall

### CALL TO ORDER / PLEDGE OF ALLEGIANCE

Mayor David Weiser called the August 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.

### ROLL CALL

Finance Director Sandy Langdon 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, and Lisa Vares.

**Staff:** Grant Weed, City Attorney; Jim Owens, Public Works Director; Sandy Langdon, Finance Director; Gloria Hirashima, Community Development Director; Kevin Nielsen, City Engineer; Randy Brower, Program Engineer, Surface Water; Jeff Massie, Assistant City Engineer; and Greg Corn, Fire Chief.

Mayor Weiser noted the excused absence of Councilmembers Donna Wright and John Soriano. He then mentioned that there was one real estate item to be discussed in Executive Session.

### COMMITTEE REPORTS

Councilmember Suzanne Smith reported on the **Park Board** meeting. They had discussed:

- A request they had received for a Youth Peace Park Memorial Plaque.
- The new refund policy.
- The Gellerson donation of \$144,000. They are compiling a list of possible uses. The Parks Board will be discussing it further.
- The DOE permit for the waterfront project; the Corps of Army Engineers will be next.
- A sponsor for \$5,000 for Music at the Park.
- A Senior Lunch at Jennings Park on August 20 at 11:30 a.m.

Councilmember Jon Nehring gave an update on the **Library Board**. They are putting together a budget packet. There will be a public meeting on the library levy on Oct. 6th at 4:00 p.m.

Councilmember Lisa Vares reviewed the **Public Works** meeting. She noted that the remodel is almost done except the awning out front. They discussed possible reorganization changes. They also discussed proposals for the regional detention project.

**CONSENT****C. Approval of New Liquor License for Marysville Tobacco Bar.**

There were no comments or questions on this item.

**D. Authorize Mayor to Sign Distribution Easement; Snohomish County PUD #1.**

There were no comments or questions on this item.

**REVIEW BIDS****A. Wastewater Treatment Plant Upgrade and Expansion Phase II.**

Councilmember Jeff Seibert asked about a possible typo or error on the bid for an amount, which seemed too low. Assistant City Engineer Jeff Massie indicated that they would check on that.

City Engineer Kevin Nielsen explained that this bid was mainly for maintenance buildings; a lab; and sand structures. There was discussion about whether the full 10% management reserve was necessary on such a large amount. It was agreed that 5% would be acceptable.

**CURRENT BUSINESS****A. Economic Development Land Use & Permitting Committee Recommendations.**

Community Development Director Gloria Hirashima explained that this was what the co-chairs of the Economic Development Land Use and Permitting Committee had presented to Council at the Joint meeting. Councilmember Nehring commended this committee for being very active. He commented that he would like to see the follow-up report cards consolidated into a quarterly report to Council. He also had some questions about the specifics of staff accountability and the merit system. Ms. Hirashima explained that they are establishing their measures. They are mainly using the model permit process to determine the turnaround time. They will be monitoring the progress for each type of process. Also, the department has installed new permitting software, which allows them to track staff time on each project.

Councilmember Nehring then referred to page 6, #11 which lists three methods to encourage community development. He asked if these were proposals that will be put forward to Council. Ms. Hirashima responded that the first method is completed; the other two will require Council action. Councilmember Vares had some comments regarding those last two items. She encouraged them to focus on new development zones and somehow giving those areas priority permit status. She suggested also looking at the

SEPA thresholds in those areas. She concluded by stating that she really hoped that they focused on commercial.

Councilmember Seibert commented that they are discussing discounts and environmental reviews for certain areas. Councilmember Mike Leighan concurred and added that this is a new area with new zones. They have discussed creating incentives that will be beneficial to a certain type of business, which they hope to encourage (i.e. retail as opposed to warehouse). Mayor Weiser agreed that the benefits have to benefit the type of businesses that will bring tax revenue to the City.

Councilmember Smith said she had mixed feelings about the discounts, especially the traffic discounts, on the City's already overburdened road system. She felt it would just create a bottleneck with traffic where no one will want to come. She urged them to keep that balance in mind as they try to give discounts. She asked if there might be other ways to benefit the businesses.

Councilmember Seibert spoke to the incentives. He said they were specifically identifying the downtown area, which would typically have smaller businesses and would not cause a strain on the traffic situation. He also discussed the payoff of what you are giving out to what you are getting back. He noted that the revenue would be going into the general fund.

There was then discussion about whether a developer could pay extra to expedite the process. Ms. Hirashima indicated that they are working on that.

Councilmember Nehring said that he likes the solution-oriented nature of the recommendation. He then suggested being proactive in customer service in order to foster an attitude of cooperation with the business community. There was some discussion about customer service expectations. Ms. Hirashima stated that they have started doing "complete" checks at the counter. She added that even if an application is complete there are sometimes additional studies/reports that might be needed.

**B. Planning Commission Recommendation on Opiate Substitute Treatment Program Facilities (OSTPF) Draft Ordinance PA 0304013.**

Ms. Hirashima introduced this topic by explaining that the Planning Commission held two workshops and a public hearing on this subject. DSHS also came and gave a presentation, which answered many of the questions/concerns that the Commission members had. They recommended that the Opiate Substitution Treatment Program Facilities (OSTPF's) be a subcategory to Health Services within the permitted use matrix. This type of facility would be permitted outright in both commercial and industrial zones, and would be subject to specific development conditions. Ms. Hirashima then outlined those conditions. Next she reviewed the spectrum of options available to the Council.



Councilmember Nehring asked why they did not want to make this hard to site. Ms. Hirashima stated that the Planning Commission felt this was providing a positive service to the community. They saw it as a successful way to get heroin addicts back on their feet and back in society. Ms. Hirashima stated that she had relayed to the Planning Commission that there was concern about this issue by the Council. However, the more they read and learned about the topic, the more accepting they became of the idea. There had initially been a lot of concern, and they had been looking for negatives, but as the discussion evolved the comfort level of the Planning Commission had raised greatly.

Councilmember Seibert asked if the recommendation by the Commission would protect child-sensitive businesses from being located next to an OSTPF, as this had been the Council's original concern. Ms. Hirashima said it would not.

Councilmember Vares felt the information they had received showed all of the benefit and none of the cost. She shared that her husband had received three calls recently regarding methadone treatment patients. She was very concerned with the proposed zoning recommendation. She recommended classifying this as a Hard to Place Facility.

Councilmember Leighan asked if language could be put in that would cover places where children are likely to assemble. Ms. Hirashima replied that it would need to specifically list those places. She explained the difficulty in doing this and how this would restrict the ability to site a clinic. She noted that Everett had opted to allow these clinics in their downtown hospitals. Lynnwood is still looking at allowing as a permitted or conditional use. She said it's being handled in different ways in different communities.

City Attorney Grant Weed commented that Council has the authority to make changes to the Planning Commission's recommendation, but might need to extend the moratorium if more time is needed.

Councilmember Vares added that she could think of several items for the list such as educational facilities; movie theaters; bowling alleys; restaurants; parks; libraries; etc. She said the list would be very long. She added that she hopes that Council will not consider General Commercial or Community Business. Councilmember Seibert stated that Essential Public Facilities would give the City more control in order to make sure that it could be sited. Ms. Vares suggested making it less visible to the community, yet near public transportation. She added that it was not her intent to keep it out of Marysville altogether, but she wants control over the location. Councilmember Seibert asked about moving this to Light Industrial zoning, which would not have the proximity to children. Ms. Hirashima responded that they would limit it to LI and GI zones and also permit with Essential Public Facilities in certain areas.

Councilman Leighan asked about having DSHS address some of the issues raised by Councilmember Vares. Councilmember Seibert asked if the fire department would have records about the number of meth patients that they treat. Fire Chief Corn stated that they would not have complete information about that, but there is a possibility that the hospital might have it.

There was no further discussion on this topic.

## **NEW BUSINESS**

### **A. Supplemental Agreement No. 10 for State Avenue (116th-136<sup>th</sup> Street N.E.) Improvement Project; Skillings-Connolly, Inc.**

Public Works Director Jim Owens explained that this is just an extension of the length of the contract.

### **B. Interlocal Agreement for Joint Operation of Fire & Emergency Medical Protection Facilities; Snohomish County Fire District #12.**

Fire Chief Greg Corn explained that one of the changes was in governance. The makeup of the board of directors is changing to accommodate the merge of Fire Districts 12 and 20. He addressed the situation of a temporary imbalance on the boards as they merge. There was some discussion about the City annexing areas and how this affects the fire districts. Chief Corn then explained that another change is in the budget. They will now submit an estimate of expenditures in October and will send the final budget for review to Council later.

### **C. Rezone, Preliminary Plat, and Utilization of Density Incentives for Parkside Way; PA0302005.**

There were no comments or questions regarding this item.

## **ORDINANCES & RESOLUTIONS**

### **A. An Ordinance of the City of Marysville Adopting the Stormwater Comprehensive Plan.**

There were no comments or questions regarding this item.

### **B. An Ordinance of the City of Marysville Adopting Stormwater Rates.**

There were no comments or questions regarding this item.

### **C. An Ordinance of the City of Marysville Adopting the North Marysville/Lakewood Sub-Area Plan.**

There were no comments or questions regarding this item.

**D. An Ordinance of the City of Marysville, Washington Amending Section(s) 19.06.050A, Adding a Footnote 16 to 19.06.050B Related to Opiate Substitution Treatment Program Facilities and Adding a New Section 19.06.364 Opiate Substitution Treatment Facility.**

There was no further discussion regarding this item.

**INFORMATION ITEMS**

**A. Mayor's Business**

Mayor Weiser had no comment.

**B. Staff Business**

Sandy Langdon reminded Council that there would be a Finance Committee meeting on Thursday morning.

Jim Owens extended his thanks to Grant Weed for helping with the Storm water ordinances.

Gloria Hirashima mentioned that the City of Edmonds has discussed making PRD's not rezones, but as a density incentive. She wanted to let Council know that the option was out there.

Grant Weed added that he had two additional matters (pending litigation) for the Executive Session as well as the one real estate matter mentioned by Mayor Weiser.

**C. Call on Councilmembers**

Jeff Seibert recommended thanking the Tulalip Tribes for their contribution of \$50,000 received from Tribal Gaming Impact Funds.

Jon Nehring had no comment.

Suzanne Smith had some questions about the State Avenue project. Jim Owens answered those to her satisfaction.

Lisa Vares had no comment.

Mike Leighan asked about a sidewalk issue the City was having with a contractor. Jim Owens updated Council on the status of the issue.

**ADJOURNMENT**

The regular session of the Marysville City Council Work Session was adjourned into Executive Session at 8:35 p.m.

**EXECUTIVE SESSION**

City Council convened in Executive Session at 8:40 p.m.; discussed one potential litigation issue and one real estate matter; reconvened into Regular Session at 9:30 p.m.; took no further action and adjourned.

Approved this 25<sup>th</sup> day of August, 2003.

David Weiser  
Mayor  
David Weiser

Gerry Becker  
City Clerk  
Gerry Becker

Laurie Hugdahl  
Recording Secretary  
Laurie Hugdahl