

MINUTES RECAP

00141

MARYSVILLE CITY COUNCIL MEETING APRIL 6, 1992

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All Present

MINUTES OF PREVIOUS MEETING: 3/23/92 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: None

PRESENTATION: None

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS:

1. Forest Park Realty 60% Annex. Petition Approved - to be sent to the Boundary Review Bd.
2. Conditional Use Permit - Jubie Approved
3. Comp Plan Amendment - Valley Meadows Remanded back to Planning Commission for hearing

CONSENT AGENDA:

1. Acceptance of State Av. Sewer Replacement & Begin 30 Day Lien Filing Period Approved

REVIEW BIDS:

1. New Pain Machine - Hug Mfg. Approved Sahlberg Equip.

CURRENT BUSINESS:

1. Cellular One Rerad Placement Continued
2. Model Land Capacity Analysis Continued to 4/13/92
3. MSD Utility Variance (Cont.) Continued to 6/22/92

NEW BUSINESS:

1. DARECOUPE Concept Request for Endorsement Approved
2. Truck Chassis & Vactor Request Approved
- 3.& 4. 10% Annexation Petitions - Aldridge Approved

ORDINANCES & RESOLUTIONS:

1. Ord. Rezoning Porter Property - Windsong III Ord. #1887 Approved
2. Res. Regarding Application for Hotel-Motel Grant Funding Res. #1532 Approved
3. Res. Regarding Removal of Parking on north & south sides of 4th St. between State & Columbia Res. #1533 Approved

LEGAL MATTERS:

1. Recovery Contract - Fidelity Grange - R.C. #159 Approved
2. Recovery Contract - Sandberg R.C. #160 Approved
3. Golf Pro Contract - Don Shaw Approved

ADJOURNMENT INTO EXECUTIVE SESSION: 10:20 PM

RECONVENED & ADJOURNED: 10:58 PM

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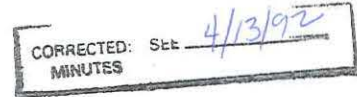
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7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee
 John Myers
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman



Administrative Staff:
 John Garner, City Administrator
 Grant Weed, City Attorney
 Steve Wilson, Asst. City Clerk/Finance Director
 Steve Bennett, Senior Planner
 Dave Zabell, Public Works Director
 Roger Kelley, Community Information Officer
 Bob Dyer, Police Chief
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETING:

Councilor Herman pointed out that on page 14 of the 3/23/92 minutes, third paragraph, he had severe reservations about the program and therefore wished to make that clear as well as changing the word "would" to "could" be in favor of participation in the program.

Councilor Baxter noted that on page 8, in the second line, "State" and "Columbia" are reversed and should be the other way around.

Councilor McGee moved and Councilor Myers seconded to approve the 3/23/92 minutes as corrected. Passed unanimously.

STAFF'S BUSINESS:

City Administrator Garner reminded Council to submit the evaluation forms from the Workshop; he announced that Phil Dexter's last day of work will be June 15th; he noted the Solid Waste meeting tomorrow has been changed to 4 PM; on Wed. at 3 PM there is a Boeing Mitigation meeting; Mary Swenson will be out all next week on vacation; City Hall Committee meeting will be held 4/20/92 at 7 PM at City Hall; the RUSA Committee meeting on 4/21/92 may have to be post poned because Mayor Kraski will be away then.

City Attorney Weed announced that his office is scheduling a mini training seminar with regard to handling of City documents, notarizing, etc., towards the end of the month.

Public Works Director Zabell announced that after a meeting with DOT, they have "found" \$80,000 that can be used toward fully funding the 67th St. project.

Sr. Planner Bennett apprised Council of a complaint regarding a State Farm sign. The Planning Dept. investigated and has written a letter to the property owner, with a time in which to respond, he reported.

MAYOR'S BUSINESS:

Mayor Weiser briefly reviewed "Procedural Rules for the Conduct of Public Meetings & Public Hearings". He noted that all agenda items are open for public discussion/comment. For the month of March, Mayor Weiser named Dale Thayer as Employee of the Month-- Dale will be accepting the award at the 4/27/92 Council meeting. Mayor Weiser reported on a recent Boy Scout Court of Honor Awards Ceremony he attended this past Saturday.

CALL ON COUNCILMEMBERS:

Councilor Herman reported he was in Washington, DC last week and he said he took with him DCD Block Grant information as well as budget issues to discuss. He stressed the social needs in the community and noted that some painful decisions need to be made in the near future regarding these community development issues.

Councilors Wright and Pedersen volunteered to serve on the AWC Nominations Committee.

Councilor Pedersen reminded everyone that this is National Library Week and the Friends of the Library are serving refreshments and having a book sale at the Library all this week. She asked about the possibility of changing the crosswalk striping color but Public Works Director Zabell explained it is mandated to be white only.

Councilor Baxter reported he attended the Water Coordination Committee Meeting last Thursday and he said he would give the information to City Administrator Garner to distribute from that meeting. He noted there are a number of water systems that are going out of business and a satellite management system(s) will need to be set up. He explained that Marysville could possibly fill this role, for example, in the area of water testing--Marysville could help some of the smaller systems out because they are going to have a lot of expenses and mandates that are going to put them under a lot of monetary pressures. He explained he has copies of contracts, etc., that could be good resources if the City wished to manage satellite water systems.

Councilor McGee reported he received two calls this past weekend during the rainstorm, when the junior high watering system was in operation and he suggested this might be checked, in order that the system be operated a little more cost effectively.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PUBLIC HEARINGS:

1. Forest Park Realty 60% Annexation Petition, PA 9102004.

Mayor Weiser explained procedures to be followed, including a 10 minute time limit for each person.

Sr. Planner Bennett referred to the agenda bill and noted the packet doesn't contain the 60% petition but all property owners were contacted who were on the petition. Staff recommends approval subject to City's bonded indebtedness and Comp Plan designation, with the annexation to be then sent to the Boundary Review Board for approval. He noted that petitions amounting to 78% of the assessed valuation have been signed.

Bill Roberts, 4210 76th St. NE, addressed Council, representing Forest Park Realty. He noted that at the last hearing, there were

CORRECTED: SEE 4/13/92 MINUTES
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questions on the boundaries and this annexation does create an island but as stated at the 10% hearing, this property would take all utility access and roads from the City of Marysville. The people to the north are not going to be any worse off with or without the annexation, he said and added that all emergency vehicles will still be able to find the people in the island created. This is a logical annexation of City streets, he said.

Councilor Herman noted there is only one property owner who hasn't signed the petition and Mr. Roberts said he believed that person is here to talk about his opposition. He added that the applicant's logic is that there are no negative impacts by not annexing the island.

No one from the audience spoke for or against the annexation, when asked to do so and the Mayor closed this portion of the Public Hearing.

Councilor Herman stated he felt the Council has a duty to send boundaries to the Boundary Review Board that will not create problems and that he feels the island should be included in the annexation.

Councilor Baxter pointed out that the island will not be land locked and is accessible by 528.

Councilor Baxter then moved to approved the annexation, subject to the normal conditions, and send it to the Boundary Review Board. Councilor McGee seconded and the motion passed with Councilors Herman and Leighan opposed.

2. Conditional Use Permit; PA 9110041, Harvey Jubie.

City Attorney Weed explained the necessity for swearing in those who wish to give testimony in this matter and there were approx. 8 people who were sworn in.

Sr. Planner Bennett stated the Hearing Examiner recommended approval of the Conditional Use Permit however the Planning Dept. received a letter from the Health Dept. explaining the applicant is allowed only to construct single family homes and not duplexes on a septic system.

Councilor Wright asked how large the single family dwellings could be and Sr. Planner Bennett said he believed they could be up to 4 bedroom single family dwellings.

Harvey Jubie, 9905 39th Dr. NE, addressed the Council and stated that in 10/91 he turned in 4 bedroom house plans for septic design approval but they now have sewer available and would like to build 4 bedroom duplex units, i.e. two 2 bedroom duplex units.

Ken Cage, 1269 Beach, addressed the Council, stating he is opposed to the approval of this project. He stated he has been talking with neighbors in the area and the concerns are: 1) traffic--Ash is a race track and with an additional 6 familieis, it will become more dangerous; 2) septic systems may contaminate wells in the area; 3) vandalism concerns--the Montessori school apartments people complain of police calls, rowdiness, vandalism; 4) with the City being on the verge of losing the rest of its single family areas to multifamily, this is not a good move. He said we need to maintain the quiet neighborhoods and multifamily is historically not to be considered a "quiet neighborhood". He noted that people don't like living in apartments and continuously granting conditional use permits for multifamily is putting the "squeeze" on

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single family and single family people are going to have to move to Arlington, Stanwood, for example. He said they don't want to retire in an area where it has turned into multifamily and everyone in their neighborhood is opposed to multifamily; they are not opposed to single family, he said. He added that a 3-4 bedroom house will not have as many people as a duplex--a duplex has 3 or 4 times as many new people moving in and it's part of the American dream to own a home and by eliminating single family areas in Marysville, you squeeze that opportunity for people out and he urged the Council to vote against multifamily, allowing them to put in single family only.

Jeff Brand, 1255 Beach, addressed Council, stating he is also opposed, mainly because he has 5 children and they moved from Mountlake Terrace to get away from apartments, the rat race, the traffic, police problems. He said apartments vs. single family areas have far more crime and he noted Mr. Jubie is planning duplexes which would border Brand's property in the back and this is eliminating single family. He added that you have to have stability in a community and that's what you get with single family homes. He said another concern is too much of a transient neighborhood being created with apartments, in addition to increased traffic. He noted that Beach is getting too fast and they don't oppose single family dwellings; they feel there would be enough room for homes and yards but with multiplexes, the yards will be taken up with parking, etc. and it will not be a good environment for the kids and families, he concluded.

Beth Coleman, 1237 Beach, addressed Council, stating she is against Jubie's request. She said she has lived at this address for 26 years and it's always been a single family neighborhood. She noted that Mr. Cage represents the neighborhood's feelings: people who plan to retire here and they do not want to be surrounded by renters, noise, vandalism, more traffic, etc. She said she also sees an unsafe condition with more traffic, no sidewalks, with the children in the area, and she restated they are against Mr. Jubie developing this.

Robert Bloomfield, 1245 Beach, addressed Council, stating he has lived there for 22 years and except for the Montessori school going into multifamily, that whole area has been single family. He said they are stuck with the Montessori school but do not want any more going in there. With Ash being a dead end and with no sewer in there, he said Jubie would have to get easements and it's really not feasible to develop. There also has been no water past the 1300 block and everyone has been on wells and with these units, the septic systems are going to contaminate wells, he said. He added there's only one way in and out and Bloomfields already have foot traffic through his property and he said he is strongly opposed to multifamily; he is not really in favor of single family, but can't do anything about that, he said. He concluded that he doesn't think there's enough room in there for either single family or multifamily units.

James Mach, 1230 Ash, addressed Council, stating these apartments (old Montessori School) were renovated for low income families by Barry Hammer. He said this whole area is "income sensitive"--low income, retired people, etc. and with the Jubie proposal, there should also be other improvements made such as sidewalks, etc. and if you are not going to put it all in, then don't do any of it.

Ed Mohs, 1214 Beach, addressed Council, stating he is opposed and the primary reason is the volume of traffic at the intersection of Grove & Beach. He said he has seen many people doing donuts at that intersection and at least 3 families (12 children total) live

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in that immediate area, he said. He said another reason they are opposed is that they really like their area the way it is--they don't need multifamily in a primarily single family area and if construction was required, he would go with single family only.

Mrs. Carlson, 1288 Beach, addressed the Council and said she's lived there for 55 years and is very much opposed to duplexes going in. There are a lot of older folks and single family homes in there and she said she would like to see it kept that way. It's a good single family neighborhood, she said, and she urged the Council to vote against the proposal.

Ken Cage addressed Council again, noting that most of the neighbors in the area signed a petition and sent it to the Council --he said he would like to confirm Council received it and City Administrator Garner assured him they did--that he has the original of the petition.

Harv Jubie spoke in rebuttal, noting that he believed all of this testimony was presented at the previous hearing. He stated the plan is for 6 duplex units on sewer. He also noted that most of the testimony was from people living on Beach and he was given to understand the speeding problems were occurring on Ash, not Beach. With regard to the water, it is only one lot away, he said and the sewer grades have been shot already and it's ready to go in.

Councilor Leighan asked about the usual length of time a renter remains in a duplex, as opposed to the single family dwelling unit alternative.

Mr. Jubie stated it is hard to predict how long a renter would stay and if they don't receive approval for duplexes, they could put in five single family homes on 7200 s.f. lots each.

Councilor Herman asked about sewers vs. septic systems and Mr. Jubie explained they can put in 3 single family homes on septic or 5 on sewer, duplexes would be on City water and sewer, not septic.

Councilor Pedersen asked on 7200 s.f., how many bedrooms the single family units would have and Mr. Jubie said 3 bedrooms, 2 baths, rambler style.

Councilor Herman disclosed that he lives in the immediate area but there were no challenges.

Councilor Herman noted the major concerns are about traffic, wells, the loss of single family areas in Marysville, income sensitive areas, however this proposal seems to be consistent with the Comp Plan. He asked Sr. Planner Bennett about any perceived problems with that.

Sr. Planner Bennett stated the density proposed is the same as allowed by the Comp Plan--low density multifamily is allowed by the 1978 Comp Plan; 7200 zoning would be less intense but there is consistency and also there are policies with regard to protecting the established single family neighborhood and this would be the least intrusive multifamily option (duplexes), he said. He explained the conditional use permitting process of allowing neighbors to express concerns as well a conditional use generally being of low impact.

Councilor Myers asked if City Administrator Garner could tell how many people live on Ash who signed the petition but it was noted the people didn't give their addresses.

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Councilor Baxter asked if duplexes go in in accordance with drawings, if the remainder of the property in back would stay as back yard and Sr. Planner Bennett said he was sure it would as it was not big enough to subdivide.

Councilor Baxter said he knows of problems in the past and asked how many apartments it would support.

Sr. Planner Bennett explained that low density multifamily zoning would allow 12 units and Councilor Pedersen commented that they just looked at one complex on Cedar that was 18 units.

Councilor Baxter said he certainly doesn't want to see any high density in there, but he knows what the complaints are about. He added that he has been surrounded by apartments over the years in a single family area but for the most part, with the school near his home, he has been lucky, it hasn't been causing too many problems at all.

Councilor Wright said she could sympathize with the concerns about overcrowding and three duplexes would be the lowest density Mr. Jubie could put in.

Councilor Baxter commented that this is certainly an "affordable" option and duplexes don't necessarily bring in unwanted types. It would probably be medium range income, he said.

Councilor Leighan pointed out the large back lots.

Councilor Baxter gave as an example an area on 50th that is duplexes and has been for 25-30 years and they do not create an apartment type problem. He noted most of them are well kept.

Councilor Pedersen noted that change is always difficult, especially in your own backyard and she said she feels the project as proposed makes very good use of the land and she would be in support of it.

Councilor McGee said he can also sympathize with the neighbors but he also feels duplexes would be the best use in that area.

Councilor Myers moved to approve the Conditional Use Permit for Duplexes with conditions of staff and the hearing examiner, and approval of the hearing examiner's findings and conclusions. Councilor Wright seconded.

Councilor Herman said he sees this as showing the pain felt when the Council has to make decisions like this--it's a difficult situation but it is consistent with the Comp Plan and guidelines. He noted that the concerns regarding septic have been disposed of as Mr. Jubie will be putting in sewer.

A roll call vote revealed that all Councilors were in favor of the motion.

3. Comprehensive Plan Amendment; PA 9111046; Valley Meadows Assoc

Mayor Weiser asked if anyone wished to challenge any of the Councilors sitting on this hearing at this time and there were no challenges.

Richard Bleasdale, 6244 68th NE, addressed Council and asked if any of the Council were in association with Bill Roberts, Reid Shockey or Jim Mulligan in any real estate dealings and there was no response.

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City Attorney Weed explained that the Planning Commission tape for the Valley Meadows hearing is garbled but the City code provides for a public hearing before the Planning Commission and a discussion also before City Council. He said his recommendation would be that the matter be remanded to the Planning Commission, however the City Council could also hear it tonight. He stated that with Comp Plan amendments, there are 4 options:

1. For the Council to approve the Comp Plan amendment, as recommended by the Planning Commission;
2. For the Council to deny the request for Comp Plan amendment;
3. For the Council to modify and approve the request;
4. To remand back to the Planning Commission for another hearing.

He stated the question is how to correct the problem with the tape:

1. Start over by remanding to the Planning Commission;
2. Hold a Council public hearing to hear testimony first hand (the code spells out that the Planning Commission is to hear the matter for Comp Plan amendments but a City Council public hearing has been advertised for tonight and it would provide due process, he said).

City Attorney Weed stated his preference would be for a public hearing before the Planning Commission but it can be done either way.

Councilor Herman stated he would like a public hearing at the Council level and Councilor Pedersen said she would prefer it going back to the Planning Commission for their recommendation.

Councilor Baxter said it may be the only fair way--to start over and have a public hearing at the City Council level.

City Attorney Weed said one of the problems is if a person were to appeal a decision a court would be unable to render a decision without a complete record (tape, eg.).

Councilor Baxter moved to refer this matter back to the Planning Commission because of the absence of an audible tape. Councilor Pedersen seconded and the roll call vote revealed all in favor except for Councilors Herman and Leighan and so the motion passed 5-2.

Sr. Planner Bennett noted it will have to be at least 3 weeks until a public hearing can be held because of the advertising requirements and there were some questions from the audience.

Mr. Bleasdale asked the difference between a public hearing and a public meeting and City Attorney Weed explained a public hearing is to be held at the Planning Commission level for a Comp Plan amendment; an audible tape plus minutes of the public testimony must be provided.

Mr. Bleasdale said he objected to Mulligan and Roberts being on the Planning Commission and having a Conflict of Interest, thus eliminating two members.

City Attorney Weed stated the Planning Commission recommendation will come back to the City Council who will then have 4 options: To approve the request, to disapprove, to modify or remand.

Reid Shockey (from the audience) noted that as representative of

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the proponents, they are not pleased with it going back to the Planning Commission either--that was not their choice and they are not playing any games here.

Mayor Weiser asked that a time limit of 5 minutes per item on the rest of the agenda be adhered to.

CONSENT AGENDA:

1. Acceptance of State Avenue Sewer Replacement and Begin the 30 Day Lien Filing Period.

Public Works Director Zabell stated staff recommends acceptance.

Councilor Baxter moved and Councilor McGee seconded to accept the project as recommended by staff. Passed unanimously.

REVIEW BIDS:

1. Review Bid for New Paint Machine; Hug Manufacturing Model S.

Public Works Director Zabell referred to the agenda bill and noted staff is recommending addition of Option 1, a telescoping paint gun. The total cost would be \$21,341.36 including sales tax, from Sahlberg Equipment Co. of Seattle.

Councilor Baxter moved and Councilor Wright seconded to approve the purchase of the new paint machine, including Option 1, as recommended by staff, in the amount of \$21,341.36. Passed unanimously.

CURRENT BUSINESS:

1. Proposal by Cellular One for Cellular Communications Rerad Placement on City of Marysville Water Tank; continued from 3/23/92.

Police Chief Dyer explained that the reception problem is with hand held units having sporadic reception near the Mall, on 528, on the hill. He stated they were using the competitor's service but understood US West was not going to put another tower in and now they are. He said he feels a certain loyalty to Cellular One for working with the City and wanting to improve the service. Also, the phones are very useful and convenient, he said. He explained they have chargers, that's not the problem; they have had the reception problem for about six months and have been in fact keeping a log of incompleting calls.

Mayor Weiser asked when they switched to Cellular One and Chief Dyer said about a year and a half ago--US West service was terrible and another tower was not planned at that time, he said and so they moved everyone over to Cellular One in order to keep a good "fleet" rate.

Councilor Baxter said he would like to keep any antenna off the water tower and Chief Dyer explained this is a temporary fix for a year or so.

Councilor Pedersen asked if the hose tower at the Public Safety Bldg. could be used instead and Chief Dyer said that would be OK with him; that there is a safety factor involved with the use of the phones and he would like to see resolution of the problem as soon as possible.

Bill Buck of Cellular One, 617 Eastlake Avenue E., Seattle, WA 98109 made himself available for questions.

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Mayor Weiser asked if there was some repositioning to the antennas/ change in service and Mr. Buck explained that as the system grows and there are more and more users, you get blockage so it's hard to tell what specifically is the problem here. He stated Cellular One has pretty good coverage in Marysville but hand held phones have low power because they are used next to the face and that low power may be part of the problem also.

Councilor Pedersen asked him about another permanent antenna and Mr. Buck stated they are looking at a site on the ridge behind the water tower on Sunnyside, but it's zoned Ag 10 and they have to go through the county for a conditional use permit and the process is going to take at least 18 months. He stated they would prefer to be located in the City and they can work out a deal as far as compensation to the City, he said. They are concerned also, as the Chief is, with the safety factors; for example, in the San Francisco earthquake, the only communication for three days was by cellular phones, he said, and they want to increase the City's service.

Councilor Pedersen clarified that Cellular One's idea of temporary was 18 months and she asked if they could come up with another temporary site other than the water tower in Comeford Park at this point.

Mr. Buck explained they needed the height as well as General Commercial zoning.

Sr. Planner Bennett confirmed it's a conditional use permit in the General Commercial zone that is required.

Mr. Buck stated they would go with an available location in town; the reason they chose the ridge was to have the access to Hwy. 9.

There was discussion about height requirements (about 100'), other possible locations, in the county vs. City, rerads having low power, Kellogg Marsh, Hwy. 9 Well sites, aesthetics, the actual amount of equipment necessary onsite, private/commercial use of city property, rerad would add 4 more channels, height of Marysville Mall being inadequate, this being a public safety issue.

Councilor Herman said he has a concern about precedent setting for private/commercial use of City property and he asked about the emergent need, possibly limiting the temporary project to a time period with compensation being paid to the City.

City Attorney Weed said there's nothing legally prohibiting the City from leasing property to a private enterprise but in spite of that, there may be some precedent setting. It could be made clear that it's 1) temporary and 2) of public safety need, he said.

Councilor Pedersen asked if US West had been eliminated as an alternative and Chief Dyer responded that their service was worse than Cellular One's.

Councilor Baxter said he didn't feel all the options have been looked into, for example, what about a 100' tower being erected in behind the Public Safety Bldg., he asked.

Mr. Buck said he believed Cellular One does have temporary cell sites but these need to be guyed, which takes up quite a bit of room as well as being quite unsightly, he said.

There was more discussion about reasonable compensation, safety issues, locations, water towers needing to be kept clear of encumbrances such as this, unsightliness of the rerads, Comeford Park not really being appropriate for the equipment boxes (kids playing),

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Cellular One being willing to pay twice normal compensation in the proposed lease with the City.

City Attorney Weed said he had not had time to go through the lease document as yet.

Councilor Herman moved to direct City staff to work with Cellular One to identify any workable locations for a temporary rerad antenna on City and/or Fire Dist. 12 property and that there be a recommendation made to Council with information on lease/compensation for the facility as well as duration of the lease. Councilor Leighan seconded.

During discussion, it was noted that it was hoped another location could be found besides Comeford Park. The motion passed, with Councilors McGee and Baxter opposed.

Mayor Weiser appointed City Administrator Garner as the appropriate City staff person to take care of this.

2. Model Land Capacity Analysis Project; Dan Flynn; Master Builders Assn.; (Continued from March 23, 1992).

Mayor Weiser explained that it had been requested that this item be continued to 4/13/92.

Councilor Wright moved and Councilor Leighan seconded to continue this item to 4/13/92. Passed unanimously.

3. Marysville School District Utility Variance; (Cont.from 3/23/92).

City Attorney Weed explained this request is for water and sewer to an elementary school outside of RUSA and he noted there were concerns about precedent setting at the last meeting. If granted, he said he would recommend the school district official justify the need for this by explaining the situation with regard to the small number of parcels available, that this is a unique use for the property, etc.

Ward Sayles, 5605 70th St. NE, addressed Council, representing the Marysville School District. He emphasized the overcrowded conditions in schools; they have 8 elementary schools which are all over capacity by at least 100 students each and they have 62 portables in the district at this time. He said they would like to open one school in 1993, with construction to start his fall and they would like this 27th Avenue location to alleviate the overcrowding at three elementary schools: Tulalip, Liberty and Sunnyside. He noted that all of these three schools exceed 500 students (which was what they were built for) and with the sewer moratorium lifted, the MSD is anticipating growth; in fact, the last five years have shown a growth of 3% per year, he stated. With the Navy coming in, land becoming scarce, and other factors, they acquired this 10 acres and feel it's a very desirable piece of property--it's flat and they do feel a force main would be feasible, just as the City did for the Sunnyside Elementary School originally, he said. He added they do have an alternative site at 152nd but don't feel that's where the growth is at this time. He pointed out that availability of land and money is getting less and less; at the present they do have 3 possible elementary sites with one adjacent to the 152nd site slated for a future junior high, he said.

City Attorney Weed asked if this would be a viable site without sanitary sewer and Mr. Sayles said no. He added that one of the school district's problems is with the State, and the district needs to keep moving in this process in order to keep getting funding.

He added that the process with the State will take about 1½ years before the school district gets its money and then there's no guarantee they will.

Councilor Pedersen asked when the latest would be that the Council could give the school district their decision and Mr. Sayles said they need to go to a hearing this month regarding funding and they can't move until they have water and sewer but they could wait for another 3 months.

Councilor Baxter explained there is a problem with this request and he is not sure how to solve it.

Councilor Pedersen suggested a denial without prejudice, which would allow the applicant to come back without paying another fee and Councilor Baxter said he would hope that 90 days would be enough.

Mr. Sayles noted that this school would not open until 1994 but for planning purposes, they need the variance approval.

After more brief discussion, Councilor Baxter moved to continue this matter to 6/22/92. Councilor Pedersen seconded and the motion passed with Councilor McGee against.

BREAK: 9:30 PM to 9:40 PM

NEW BUSINESS:

1. Request for Support of DARECOUPE Concept.

City Administrator Garner referred to the packets and outlined the proposal for collapsible wings in order for the airplane to be easily transported. He said the request is for endorsement only from the City at this time and staff recommends a letter of endorsement.

Councilor Baxter moved to send a letter of endorsement for the DARECOUPE Concept to Fred McCarthy. Councilor Pedersen seconded and the motion passed unanimously.

2. Request for Purchase of Truck Chassis and Vactor.

Public Works Director Zabell explained that this is a system used to clean catch basins in the public streets, that the vactor unit is manufactured and sold separately from the truck chassis. He stated that staff recommends the truck chassis be purchased at a cost of \$56,589; the vactor unit for \$140,442 and then transfer \$7,031 from the Street Dept. Machinery Equipment Fund to cover the deficit between the actual cost of the needed equipment and the budgeted amount.

He explained the City has a 13 year old unit, for which the City has been offered \$15,000.

Councilor Baxter moved and Councilor Myers seconded to purchase the truck chassis and vactor unit, as per staff recommendations, and to transfer funds from the Street Dept. Machinery Equipment Fund as outlined.

Councilor Herman asked about the value of the trade in and how that was determined and Public Works Director Zabell explained the unit was purchased in 1979 or 1980 and basically there is no value on the old vactor but the value is on the truck chassis at this point. There was brief discussion about the work light on the boom.

The motion passed unanimously.

3. 10% Annexation Petition (Grove St.); PA 9202003; Robert Aldridge.
4. 10% Annexation Petition (60th Dr. NE); PA 9202004; Rbt. Aldridge.

Sr. Planner Bennett asked that these be taken together as they are both for the same property owner and in the same general area. The Grove St. property is within RUSA and the petition has been signed by 95% of the assessed valuation, he said. The 60th Dr. NE property is also within RUSA and 62% of the assessed valuation has signed the 10% petition, he noted. The first one is 6 acres, the second 20 acres and staff is recommending acceptance of the 10% petitions for establishment of 60% petition circulation, he said. He showed vicinity maps and assessed valuations.

Bob Aldridge, 5420 79th Pl. NE, addressed Council and explained this project(s) was being worked on 2 years ago when Mike Corcoran was here. He said they had worked on the requirement of 75% at that time, which has now been changed to 60%, and everything was put on hold with the sewer moratorium, he noted. He stated they have well over 60% on both annexation proposals and will be submitting more signatures on the second one. There are a couple matters he said he would like to address: The purpose is to bring the property into Marysville for planning purposes and they are eventually going to be presenting a PRD proposal with other property, he said. The property is mainly single family, with some infill use which addresses affordable housing and he added that he was raised in this community on 60th Dr. and has been involved with this area for many years and would like to see it developed properly.

Councilor Herman asked about pending annexations and Sr. Planner Bennett said this corresponds with the "dip" on the north side.

Councilor Wright moved for acceptance of the 10% annexation petition of PA 9202003, to establish the annexation boundaries and for circulation of the 60% petition. Councilor Myers seconded and the motion passed unanimously.

Councilor Myers moved for acceptance of the 10% annexation petition of PA 9202004, to establish the annexation boundaries and for circulation of the 60% petition. Councilor McGee seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. An Ordinance Rezoning Property Owned by Robert Porter, Amending the Official Zoning Map Previously Adopted in Ordinance No. 772 and Approving the Preliminary Plat and Preliminary Site Plan of Windsong III.

Councilor Wright moved and Councilor Leighan seconded to approve/adopt Ordinance 1887. Passed. (Councilor Pedersen didn't vote.)

2. A Resolution Authorizing the Submittal of an Application for Snohomish County Hotel-Motel Grant Funding and Establishing Priorities Associated Therewith.

Councilor Pedersen moved and Councilor Myers seconded to approve/adopt Resolution #1532. Passed unanimously.

3. A Resolution Authorizing Removal of On-Street Parking on the North and South Sides of 4th St. from State to Columbia, subject to conditions.

Councilor Herman moved and Councilor McGee seconded to approve/adopt Resolution #1533. Passed with Councilor Baxter opposed.

LEGAL MATTERS:

1. Recovery Contract for Fidelity Grange No. 206.

Public Works Director Zabell explained this is for an 8" sewer line - 182' - to allow Fidelity Grange to recover \$3900 for the adjacent property's future use of the sewer line.

Councilor Leighan moved and Councilor Myers seconded to approve Recovery Contract #159. Passed unanimously.

2. Recovery Contract for Tim D. Sandberg.

Public Works Director Zabell explained this is for 110' of 6" water line at \$16.07 per foot.

Councilor Myers moved and Councilor Leighan seconded to approve Recovery Contract #160. Passed unanimously.

3. Golf Pro Contract; Don Shaw.

City Administrator Garner explained this has been in front of the Council before, changes have been made and Don is in full agreement.

Councilor Pedersen asked that it be clarified who Don reports to and City Administrator Garner said he reports to Jim Ballew now, in addition to being responsible through the City Administrator to the Mayor and City Council. He highlighted revenue to be received by the golf pro for cart rental, etc.

Councilor Baxter commented on the organizational chart and City Administrator Garner said he didn't see any major problems with it.

Councilor Baxter reviewed the employment contract, talked a bit about the maintenance of cart paths, fees for the pro shop, reporting. He noted that Mike and Don both report to Jim Ballew, with Jim making the final decision about whether the course can be played or not.

Mayor Weiser asked about keeping track of the City's 4% of the cart rentals in order to determine whether 4% is feasible. He said he would like to see it itemized/broken out of the total revenue and City Administrator Garner explained it will be taken off the cash register tape daily.

Councilor Baxter mentioned again that one of the goals is to service the cart paths with that revenue and there was more discussion.

Councilor Baxter then moved to accept the employment agreement between Don Shaw and the City of Marysville. Councilor Pedersen seconded and the motion passed unanimously.

Councilor Pedersen asked for an update on how the restaurant is doing and City Administrator Garner said he would provide that information.

ADJOURNED INTO EXECUTIVE SESSION: 10:20 PM

1. Real Estate.
2. Pending and Potential Litigation.

RECONVENED & ADJOURNED: 11:00 PM

Accepted this 13th day of April, 1992.

David Wises

MAYOR

Phillip E. Dexter

CITY CLERK

Wanda R. Iverson

RECORDING SECRETARY