

MINUTES RECAP

00053

MARYSVILLE CITY COUNCIL MEETING AUGUST 10, 1992

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilors McGee & Myers excused

MINUTES OF PREVIOUS MEETING: 8/3/92 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: None

PRESENTATION: None

PETITIONS & COMMUNICATIONS: None

PUBLIC HEARINGS:

1. U.L.I.D. No. 12. Final Assessment Roll reduced by \$10,000
2. U.L.I.D. No. 14. Final Assess.Roll Approved
3. U.L.I.D. No. 17. Final Assess.Roll Approved
4. U.L.I.D. No. 18. Final Assess.Roll Approved

CONSENT AGENDA:

1. \$435,394.82 8/10/92 Payroll Approved
2. \$142,731.83 8/10/92 Claims Approved

REVIEW BIDS: None

CURRENT BUSINESS:

1. Martin/Walla; 60% Annexation Pet. Public Hrg. set for 9/8/92
2. Wayne Potter/Krotke; 60% " " Public Hrg. set for 9/8/92
3. Proposed Sno. Co. Ord. 92-100 To be continued
4. Acceptance of Construction - Approved
Msvl/Evt. Pipeline; 30" Water Main;
Robison Construction, Inc.

NEW BUSINESS:

1. Doris Pierce; Rezone from Multi-Family High Density to Community Business Continued to 8/24/92
2. Frank Whitesitt; Marysville Moose Lodge #1845; Shoreline Development Permit & Conditional Use Permit. Continued to 9/8/92
3. Utility Var. Request - Brutus Associates. Approved
4. Warm Beach Wholesale Water Presentation. Consensus - Zabell, Wilson & Wade to develop rate

ORDINANCES & RESOLUTIONS: None

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 12:20 AM 8/11/92

1. Personnel
2. Pending Litigation

RECONVENED & ADJOURNED: Approx. 1:15 AM 8/11/92

MARYSVILLE CITY COUNCIL MINUTES

AUGUST 10, 1992

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Dave McGee (excused)
 John Myers (excused)
 Ken Baxter
 Donna Wright
 Mike Leighan
 Otto Herman
Administrative Staff:
 John Garner, City Administrator
 Grant Weed, City Attorney
 Steve Wilson, Finance Director
 Gloria Hirashima, Planning Director
 Mary Swenson, City Clerk
 Dave Zabell, Public Works Director
 Larry Wade, Engineering Consultant
 Wanda Iverson, Recording Secretary

CORRECTED: SEE 8/24/92
 MINUTES

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETING:

Councilor Herman asked that a change be made on page 9 of the 8/3/92 minutes, in the fourth to last paragraph, noting the Tulalips have a problem with the methodology of the funding of the RTA. He also noted that in the second to last paragraph on the same page, "100%" should be deleted.

Councilor Pedersen asked that on page 7, the last sentence of the third paragraph from the bottom should be deleted ("In terms of giving them the lower rate.....") as this is a duplicated sentence from a previous page. Also, on page 3 in the second paragraph, the word "pedestrial" should be "pedestrian".

On page 9, third paragraph, Mayor Weiser noted that Ross Kane is writing a letter asking that if the City of Marysville and City of Arlington are going to be included in the RTA boundaries, then the City should be included in the taxing area for RTA.

Councilor Herman moved and Councilor Leighan seconded to approve the 8/3/92 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Garner reported the Building Official position has been narrowed down to six candidates, one of which will be replacing Harry Britton very soon, once selection has been made. He stated he would like to schedule a City Council workshop for Saturday the 19th or Saturday the 26th with the topic to be 1993 Goals and Budget. He said he and Mary have met with the facilitator and the facilitator feels the workshop would be good to put together meaningful goals and the 1993 budget at this time. It was noted that the 17th & 18th is the fire board workshop and the consensus was that the workshop could be held the 26th unless there is a major conflict not known at this time. City Administrator Garner reported he will be serving on jury duty this week.

MARYSVILLE CITY COUNCIL MINUTES
AUGUST 10, 1992
Page 2

He congratulated Councilor Pedersen on her appointment to the Health District Board.

Public Works Director Zabell reported that the Outfall project will be completed Tues. or Wed., construction across the wetlands is on schedule with a mid-September installation date targeted.

Planner Director Hirashima reported that it has been brought to the Planning Department's attention that under the PRD code, it is not necessary to have binding site plans approved by City Council, that the Planning Dept. can approve the clearing and grading of the site. She stated it has been the practice to bring binding site plans as well as final site plans before Council and eliminating the binding site plans coming before Council streamlines the process somewhat; the final site plans would still come before Council.

Mayor Weiser pointed out that the Planning Commission is to be reviewing the PRD ordinance and if the Council wishes binding site plans to come before Council, now would be a good time to insert language in the PRD ordinance.

Councilor Pedersen noted that the Council sees the preliminary plat and if there are several changes, she asked if Council could ask to see the binding site plan.

City Attorney Weed answered in the affirmative and noted the Planning Dept. has to meet several points on a long checklist before approving a binding site plan but if the Council wishes, they may request the binding site plan come before them.

Councilor Herman said he sees this as a streamlining of the process and would be in favor of eliminating binding site plans as a rule being required to come before the Council. (Consensus)

CALL ON COUNCILMEMBERS:

Councilor Baxter commented on the referral of the press to the "Marysville Fire Dept." when it should now be referred to as the "Marysville Fire District."

Councilor Pedersen reported her first meeting serving on the Health District board will be tomorrow. She asked about the cancellation of the concerts in the park--if it was due to lack of attendance and/or overall costs. She asked if another RUSA meeting has been scheduled and City Administrator Garner said no, one hasn't been scheduled at this time.

Councilor Pedersen said she would follow up with Jim Ballew on the concert cancellations.

Councilor Leighan asked about City Hall meetings and Mayor Weiser stated the City is still waiting to hear back from a company with regard to leasing.

Councilor Leighan asked if a size analysis had been done and Mayor Weiser said no, it hadn't been.

Councilor Leighan reported the TV Advisory Committee met today and are still looking into estimates for wiring the Council Chambers for sound as well as estimates for playback equipment. He said it's very possible the City may need a dedicated line in order to video the Council meetings at the Public Safety Building, with the playback equipment at City Hall. He mentioned a problem with regard to a Mrs. Davenport's concern about it taking so long to play

18 holes of golf at Cedarcrest on Sunday last. Mayor Weiser said he also got a call about this.

Councilor Herman said he also got a call about the golfing problem and he will try and get in touch with Jim Ballew. With regard to the RTA proposal/boundaries issue, to be included within the boundaries would mean Marysville getting serviced by a high capacity transit service but he said he seriously questions the method of funding, via a .9 cent sales tax increase. He said he personally doesn't think that's likely to be approved by the voters as there are tax differences in different jurisdictions, for one thing. He said he would be in favor of pushing for Marysville to be within the RTA boundaries for many reasons and he thinks we should be part of the RTA planning. He added that he thinks it will be necessary to review the funding options as an alternative to the present structure/proposal.

Councilor Baxter said he takes exception to special boundaries, for example, if outlying areas are within the RTA boundaries, people may end up using Marysville as one big park and ride lot. This would then result in the local people paying for outlying people's parking, he said.

Mayor Weiser noted that .9 cents sales tax within the RTA boundaries may place those within the RTA boundaries at a tax disadvantage as opposed to those outside, also.

Councilor Baxter said he doesn't think the current transit authority is being run very efficiently.

Councilor Herman said he has been very impressed with the professional manner they have answered all his questions and he said he would get a copy of CT's budget for Councilor Baxter.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PUBLIC HEARINGS:

1. U.L.I.D. No. 12.

City Attorney Weed briefly explained the procedures and the purpose of the hearing being to hear objections to the U.L.I.D.s. He stated the action the Council can take is to correct the assessment roll, revise the assessment role, accept the amount of the assessment roll, raise the amount of the assessment roll (although this would require a separate public hearing), lower the assessment or set aside the assessment. He explained the onus is on the property owner to show the assessment is inconsistent with other assessments charged. He explained the appeal process.

Councilor Pedersen asked about the method of assessment used for U.L.I.D.s and Larry Wade said it depends on the configuration of the subdivision, lot sizes, etc. and zone termini is a combination of front footage and square footage calculation. It is a very common method and is a good method when you have different land uses, eg., he said.

Public Works Director Zabell reviewed the ULID, noting it is for extension of the sewer main, elimination of a pump station and the final assessment roll came to \$621,000.00. He said Larry Wade could explain the project in detail.

Larry Wade said almost all improvements were on easements and adjacent property owners include the Marysville School District, Emerald Estates, Subdivision of Cloverdale, Grace Academy. He

MARYSVILLE CITY COUNCIL MINUTES
AUGUST 10, 1992
Page 4

stated there was a preliminary assessment hearing in 7/87 when it was estimated the total project would be \$460,000. Gott Construction was approved off the Small Works Roster for an \$82,000.00 construction project on 88th in the summer of 1989, he said, with All Seasons being approved in Dec. 1989 for \$316,000. The total project was completed in 11/91 with several right of way acquisition delays and the final assessment roll came in at \$652,000, with the City being responsible for the elimination of the pump station and Grace Academy's connection, which had been paid previously. He explained the zone and termini method was used so the further away from the improvement, the less benefit and less cost per square foot.

It was noted that a letter of protest has been received from Grace Academy concerning lots 5 and 6 which now lie within wetlands and this was not delineated as part of the preliminary assessment roll for which they feel they should have been given a reduced assessment, he said. He noted there is wetland on almost all the property within the ULID. Also, another concern was whether the assessment was established by an appraiser, he said. He explained that Grace Academy's assessment was based on square footage and they were also given credit for a previous assessment paid to the City. Another concern was from RBK Industries who were denied a preliminary plat which they feel precludes them from benefit and they therefore should be excluded from the assessment role, he reported. He explained that this project is dovetailed with ULID 14.

Public Works Director Zabell noted that the RBK plat is zoned for 9600 single family now.

Larry Wade said Steve Gaidos indicated a 20 year bond should be taken out. As far as the interest rate, it will be about 2% less than it would have been 2 years ago, as an average, he said.

Councilor Herman said he understands cost increases were also raised as a concern and Larry Wade handed out a summary showing the estimated costs vs. the final costs of the ULID, showing a \$141,053 difference.

Councilor Baxter noted engineering costs increased the total by \$45,000 and Larry Wade explained some of the reasons for the increases: The contract lasted 5 years, extensive easement negotiation including right of way acquisition, there were two projects going on at the same time within the ULID, original design included an above ground structure and/or culvert to cross a stream on 88th which was not accepted by the property owners, the road was raised about 4', box culvert changes, fill, a Gabian culvert installation.

Councilor Baxter asked why the additional work was included in this ULID vs. road improvement and Public Works Director Zabell explained the sewer was not low enough, i.e., this was not road work but rather preparation to align the sewer line.

Larry Wade stated the original engineering was to have a stream crossing vs. right of way acquisition but Councilor Baxter noted that sooner or later the road would have been improved anyway. He asked how much that added to the project.

Larry Wade pointed out that was the majority of Gott's work, which was \$82,000.

Public Works Director Zabell said the sewer was the reason why the Gabian walls had to be put in.

MARYSVILLE CITY COUNCIL MINUTES
 AUGUST 10, 1992
 Page 5

Councilor Baxter noted the project started out at \$450,000 and now it's \$150,000 more without any notice to the property owners that it was going to be increased. Larry Wade argued the property owners did have some notice.

Councilor Pedersen asked if there was a rule of thumb percentage of the total project for engineering costs and Larry Wade said yes, 18 to 20%.

Councilor Herman asked why the existing culvert couldn't have been used and Public Works Director Zabell explained it was rotted and would not have supported a shoulder and widening 5 lanes, improvements over the next five years. He added that the Gabian wall had to be put in in order to accommodate the sewer line.

Councilor Wright left Council Chambers at 8:05 p.m.

Public Works Director Zabell estimated that there may have been \$8,000 to \$10,000 worth of work that could have been attributed to road work. He also noted that a Dept. of Fisheries hydraulics permit had to be obtained.

Councilor Herman asked about the City's participation--\$30,000 vs. \$52,000 and Public Works Director Zabell said the different is the Grace Academy credit.

Councilor Wright returned to Council Chambers at 8:08 p.m.

Councilor Baxter said he believes part of the Gott cost should be charged to the sewer and part to road improvement. Also, he said he notes that they were working in the winter which put the costs up and he said he wondered about that at the time because of the amount of mud.

Larry Wade said he could go back and compare the costs but he didn't think it made a substantial difference because basically the cost is in piping.

Mayor Weiser asked about a breakdown of the engineering costs and Larry Wade guessed about \$15,000 plus for easement acquisition.

Councilor Baxter asked about starting and stopping the project for weather delays and costs associated with that--immobilization. Larry Wade said there were no immobilization costs. He reported two more protests were received--one from RBK Industries and one from Mr. Harrison.

Jim Poyner, 16632 91st Av. NE, Arlington, addressed Council as the Finance Administrator for Grace Academy/Grace Baptist Church. He said their first concern was with the lack of a professional appraiser being used and the second concern was to do with the wetlands. He said they are protesting the assessment on 2 lots--the one concerns the creek which is the property line; 2-008 is totally unusable and 90% of 2-009 has been declared wetlands, he said. He added that they understood the assessment was to be based on buildable lots and for the past year or so they have just been trying to put a baseball field in their and can't because of the wetlands. He said they would like City Council to consider having this appraised or else let Grace Academy/Church build the baseball field there.

Councilor Herman asked if the cost of a formal appraisal would have to be included in the ULID and Public Works Director Zabell said it would be added to the final assessment roll, yes.

CORRECTED: SEE 8/24/92
 MINUTES

John Harrison, 5808 92nd Pl. NE, addressed Council and referred to a letter and outlined his property on the vicinity map. He said his original assessment was \$14,600 and it has now gone up to \$30,000 plus and he said he doesn't think the participants in the ULID should have to pay for the road improvement. He pointed out that he can't use sewer or water, he is zoned 12,500 and RBK Industries has been held in limbo until the Comp Plan is completed. He said he is caught in the middle and would like City Council to not assess his property until he can use the sewer and as soon as it is usable, he would be interested in becoming a participant of the ULID. Also, when they put the sewer in, he explained they put the main in the back and so he shouldn't be assessed as much as if they put it in the front, because the City saved money the way they did it.

Ron Loop, representing RBK Industries, addressed Council, noting RBK's problem is similar to Mr. Harrison's in that they have been denied without prejudice until the Comp Plan is done. If the assessment is paid ahead of time they can't figure the costs for the land use/development, he said and he asked about the church's "unusable" property.

Councilor Pedersen asked when the assessment actually has to be paid and Larry Wade stated Finance Director Wilson will send out notices 45 days after affirmation of the assessment roll with notices every year, probably in October every year, for 20 years.

Councilor Herman asked what happens if the property is sold in the meantime and Larry Wade said he believed it could be carried by the new owners or it could be paid out of the closing costs.

Councilor Herman asked about a developer subdividing and City Attorney Weed said the assessment can be segregated on an equal basis. Larry Wade noted that is what was done on the Cloverdale subdivision.

Mr. Loop said he would like the City Council to give RBK Industries consideration, the same as the church property, for unusable land.

Larry Wade addressed the frontage assessment issue and said the sewer along 67th would not have been practical, that's why it was put in the backyard.

Mayor Weiser noted that a delay in acceptance of the final assessment roll will just add more interest to the cost of the assessment cost.

Councilor Baxter noted the overall cost is one disagreement and the other issue he has a disagreement with is whether there has been a fair assessment--have they been assessed at the current or the proposed use?

Larry Wade said it was done on a zone termini basis and not based on land use. As far as the wetland issue, he said if Council feels that's a valid issue then all wetlands need to be delineated and that would affect at least 3 property owners, not just the church. The church is able to use the one field for soccer, however, he pointed out and in essence, the costs are just going to be shifted with the lowering of the Marysville School Dist., church and Cloverdale's assessment.

There was discussion about the \$82,000 being sewer or road improvement, what the City may accept as City improvements, repair and maintenance costs of \$8,000 to \$10,000 on the culvert, the

MARYSVILLE CITY COUNCIL MINUTES
 AUGUST 10, 1992
 Page 7

culvert being insufficient for the future, the hydraulics permit having been required, replacing the wood culvert eventually, alternative being a suspended line, which would have been a total

Mayor Weiser left Council Chambers at 8:45 p.m.

sewer cost and not construed as a road improvement.

Larry Wade said the original design called for a suspended crossing across Allen Creek and that would have cost \$68,110 vs. what was put in there. He said the Council could subtract out the road improvement. Councilor Baxter said if it would be in favor of reducing the total and he didn't think it would be significant, then he would be in favor of that.

There was more discussion about the Gabian baskets, suspended line costs, engineering costs, difference of less than \$14,000.

Mayor Weiser returned to Council Chambers at 8:50 p.m.

Discussion continued about part of the Gott \$80,000 project had to be done in order to put the sewer line in.

Larry Wade explained that Gott raised the road to put the sewer in, All Seasons work included resurfacing and some road restoration.

There was more discussion about what is road and what is sewer, Public Works Director Zabell giving a better description of what was done, it was not possible to put in an alternative route, Councilor Herman suggesting a credit of \$10,000 in the total assessment role, resulting in an increase of the City's share and reducing the participants' share.

Councilor Herman moved to accept the final assessment roll, with the net assessment to be reduced by \$10,000 for participants other than the City and for the City's share to include the additional \$10,000, to be taken out of the arterial street fund, and for the final assessment roll to be recalculated based on these figures. Councilor Baxter seconded and the motion failed with Councilors Leighan, Wright and Pedersen against; Councilors Baxter and Herman in favor.

There was discussion about the major difference between preliminary figures and assessment roll, interest, engineering costs, delays, discussion about the \$10,000 difference, repairs to the culvert that would have occurred within a year from time of sewer having been put in, Grace Baptist credit being \$21,000, \$31,000 being for elimination of pump station.

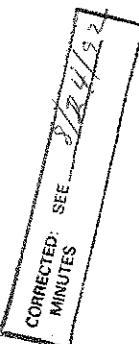
City Attorney Weed noted that 10 years or 20 years should be specified in the motion.

Councilor Pedersen moved to reconsider the previous motion, Councilor Baxter seconded. Passed unanimously.

Councilor Herman remade the motion, inserting a 20 year time frame. Councilor Baxter seconded and the motion then passed unanimously.

2. U.L.I.D. No. 14.

Larry Wade explained the original estimate was \$100,000 and when bids came in at \$176,000, these were rejected and the project was sent out for rebid. The new bid came in at \$111,500, with actual



costs running \$126,665 because of two side sewers being added plus a short extension on one of the mains, he said. Construction was accepted in 5/90 with the earliest possible assessment roll to have been 9/90; the contractor has had a claim against the City with the final assessment roll of \$185,000, zone termini method of assessment, net interim financing costs being responsible for a \$23,000 increase in the original cost, he said. He noted Ray Harding sent a letter (dated 7/27/92) of protest regarding not receiving an assessment roll notice, however it was determined his notice was sent to the mortgage company. Other letters received are from: Neil Knutson (letter dated 8/10/92), Terrance Walsh (letter dated 8/10/92), Cleveland Malleis (letter dated 8/9/92), Smokey Point Community Church (letter dated 8/10/92), Dean Likkell (letter dated 4/10/92), Dale Thuline (2 letters dated 8/10/92).

Dean Likkell, 12706 48th Av. NE, Marysville, addressed the Council and thanked everyone for the opportunity to address these issues. He outlined a chronology of ULID 14, noting the original petition was circulated in January and February, 1989 and they obtained 65% of the property owners' signatures. It was then presented to City Council in 4/89 and a public hearing was held 5/1/89, he said, with the total estimated assessment to be \$107,000 at that time. He said they believed this to be reasonable but the low bid came out at \$136,000 and a new public hearing was held in 11/89, with a revised assessment of \$140,000--a \$33,000 increase from the original estimate, he pointed out. He said they felt this was a necessary expense and accepted the total figure of \$140,000. He quoted from the 5/1/89 public hearing minutes, that this was expected to be a "straight forward ULID". The Council then authorized ULID 14's acceptance in 5/90 but there was a letter in the file dated 4/23/91 from Phil Dexter to Mayor Matheny and City Council suggested this be combined with three other ULIDs, he said. The idea of combining this was to get a better bonding rate and so this was accepted 8/26/91 but now, the \$140,000 has jumped to \$185,000 a year later, an increase of \$45,000 more than the previous hearing which is an increase of 32%, he stated. He noted that in 11/89 the total revised estimated cost was not given to any of the participants.

On parcel 4-007, Mr. Likkell said Mr. Klein had asked to be excluded from the ULID and it was accepted by the City Council. Mr. Klein got his own bids, one for \$4,100 which was assessed by the City for \$16,000. Mr. Klein's share would have increased to about \$5,700 applying the same rate of increase as the rest of the project participants, Mr. Likkell said. He noted that as far as the interim finance charge--\$28,104 plus \$9500 bond financing cost, these costs have gotten way out of line. He added that he would have thought the City would get more specific bids and he said he would suggest all interim financing charges be deleted from 5/90 forward and he asked that Council give this consideration as was done with ULID 12, with it being over 20 years, also.

Neil Knutson, 3805 175th Pl. NE, Arlington, addressed Council and referred to the letter he sent, dated 8/10/92. He said he was very disappointed with the way the project turned out, with the original assessment at \$107,000. He asked if this was an educated guess and how Mr. Wade could miss by so much. If the mobile home park can install a line for \$17 per foot, how can ULID 14 be \$88 per foot, he asked. He said his permission to participate in ULID 14 was based on the original assessment of \$107,000 and also, he said he wished to state that he had problems working with Mr. Wade regarding crossing Smokey Point Blvd. with the line. He said he had to increase the line from 6" to 10" in order to service the back of the property and he also feels \$7,800 instead of \$23,000

MARYSVILLE CITY COUNCIL MINUTES
AUGUST 10, 1992
Page 9

would be more like it for the Knutson assessment, he said. He summarized that he is very disappointed with the City of Marysville's handling of this project.

Cleveland Malleis, 17926-30 Smokey Pt. Blvd., addressed Council and referred to his 8/9/92 letter to the City Clerk. He said no notification has been received at all and he complained about the sound equipment in the Public Safety Building. He said he had nothing more to add than what's been said already.

Jim Kresge, Smokey Pt. Community Church, 17721 Smokey Pt. Blvd., Arlington, addressed Council and thanked the City for dealing with and accepting ULIDs which encourage people to improve their property. He said he had two major concerns: the interim financing and they would like the City to consider sharing these charges because of the delays and the second request would be that the 20 year option be used, he said.

Dale Thuline, 115 S. Hamlin, Arlington, addressed Council. He referred to the two letters in the packets and said the reason he sent two letters is because he has two separate parcels. He thanked the Council for the opportunity to address this issue but said it would be nicer if people did receive some notification of what's been going on in the last 28 months. One of his parcels does not border on the sewer line at all (024), he pointed out and 021 fronts 66' with an assessment of \$9432 as compared with a much larger lot receiving a much lower assessment. He asked to be exempted on 024 and added that he is concerned about the finance charges, without notification, also.

Councilor Baxter asked about Klein's property and the sewer main estimates he received.

Larry Wade explained it was estimated at \$4,000 to cover his frontage but did not cover side sewers nor restoration of the road or capital improvement fees.

Councilor Baxter asked if Mr. Klein is hooked up to the City sewer at present and it was confirmed he is not. Discussion followed about the ULID process, Klein's protested participation, modification of the preliminary assessment, recovery costs concerning English Station East across the street.

Councilor Herman asked if Klein's property was included in the original estimate and Larry Wade said it was.

Mr. Knutson addressed Council again, stating that he has lived on 002 for 39 years. He said Klein extended the sewer 279' to specifications but he doesn't need it for the mobile home park as yet. He pointed out where the rest of the system/ULID lines are on the board.

Dr. Thuline addressed Council again, stating that when he asked for sewer service, the City said he could only have one connection and he could not get a connection for his back lot. He said he only has one sewer access, even though he was entitled to two connections under the ULID.

Public Works Director Zabell explained this was because of the sewer moratorium.

Mayor Weiser asked if he subdivided and Dr. Thuline said yes, but he had to put septic service on the back lots because the City wouldn't allow an easement to the back lots.

MARYSVILLE CITY COUNCIL MINUTES
AUGUST 10, 1992
Page 10

Councilor Baxter asked for an explanation for the delay in financing and Finance Director Wilson noted the current rate is about 6%; there were several ULIDs and the attempt was to put them together with a savings over the long term. He said the City was also looking to perhaps get a new bond rating.

Councilor Herman agreed that interest rates are good right now. He asked about the zone termini method as regards 4-001 and Larry Wade responded that the zone termini method gives a more accurate and fair assessment. He added that the assessments on Dr. Thuline's two parcels were reversed and should be 3-021 - \$5366.85 and 3-024 - \$9432.09 rather than the other way around as shown in the packets.

There was brief discussion/calculation of the interest rates and Public Works Director Zabell noted that compared to last year's rates and in the long run, there's going to be a savings with the lower interest rates.

Mr. Kresge readdressed Council and stated one of the things that's missing is that if some kind of closing notice had been given, perhaps some of the property owners may have paid cash and realized a substantial savings. He said that option is not available the way it is now.

Councilor Baxter pointed out that if any amount is deducted from this assessment roll, then the rest of the ratepayers have to pick up the tab.

Councilor Leighan said he feels the City should examine in the future the negative financial results of delays.

Finance Director Wilson pointed out that even with the additional interest of \$23,000, there will still be a savings of \$30,000 over 20 years because of the lower interest rate at this time (1-1/2 points lower than when the assessment roll was first calculated).

Councilor Pedersen asked about "other" miscellaneous charges of \$4,000 included in this assessment roll and Larry Wade explained this has to do with the contractor and the City coming to a stalemate. The contractor feels there may still be some more charges and the City has given it a best estimate of \$4,000, although the claim is for \$6,000, he said. The City feels it should be only about \$2,500, he pointed out.

There was discussion about resolution of this issue (in court, probably), additional finance charges, the City getting stuck for the difference if it is settled for over \$4,000.

Councilor Leighan moved to accept the final assessment roll for ULID 14 at a total of \$185,000 on the 20 year repayment program. Councilor Herman seconded. A roll call vote was taken and the motion passed 3-2 with Councilors Wright and Baxter against the motion.

3. U.L.I.D. No. 17.

Public Works Director Zabell reviewed the agenda bill, noting this ULID engineering was done in-house and the assessment was based on a per lot methodology.

Mayor Weiser questioned the accuracy of the engineering costs and Public Works Director Zabell stated he felt they are accurate, that this is a fairly simple ULID, with all 15 lots being the same size and no protests to the ULID.

MARYSVILLE CITY COUNCIL MINUTES
 AUGUST 10, 1992
 Page 11

Councilor Pedersen asked if that is why a consultant was not hired in this case and Public Works Director Zabell said it is--there is only one manhole in the project, 600' of pipe, and Larry Wade did approve the design. He put a map on the board and noted the project includes 3 vacant lots.

Councilor Baxter moved and Councilor Wright seconded to accept the ULID #17 final assessment roll of \$52,300.05, to be repaid over 20 years. Passed unanimously.

4. U.L.I.D. No. 18.

Public Works Director Zabell deferred this review to Larry Wade. Mr. Wade explained this is for a water line extension, with some extra engineering around Nobach's property. He stated Nobachs do have access on 86th as per a Superior Court Summary Judgement and so they were included in the final assessment roll, even though originally it was thought they should be excluded.

Councilor Pedersen asked about "other" costs for \$1,000 and Larry Wade said that was to cover certain contingencies.

Councilor Pedersen asked about the work effort involved in this ULID compared to ULID 14 and Mr. Wade said it was about the same; you can't use the thumbnail percentage of 18-20% for the smaller projects, he said. Actually 18-20% would be for sewer ULIDs and water projects are usually about 16%, he said.

Councilor Pedersen pointed out that engineering costs come out to 53% on this ULID and Mr. Wade explained this is a much smaller ULID (in assessment roll) but still required the same amount of documentation, for example, and topography efforts run the same no matter what the construction costs are in a lot of cases, he said.

Councilor Baxter moved and Councilor Leighan seconded to accept and approve the final assessment roll on ULID 18, on the 20 year repayment plan.

Councilor Herman stated he shares the concern about engineering costs on this project and thinks that's an area that needs to be revisited.

The motion passed unanimously.

5 Minute Break - 10:40 to 10:45 p.m.

CONSENT AGENDA:

1. 8/10/92 Payroll - \$435,394.82
2. 8/10/92 Claims - \$142,731.83

REVIEW BIDS: None.

CURRENT BUSINESS:

1. **Martin/Walla 60% Annexation Petition; PA 9206025.**

Planning Director Hirashima reviewed the agenda bill, stating this is a 1.89 acre piece and she described the location. She noted Council had asked that the annexation be expanded to include the parcel to the north however the owner of that parcel was not willing to be included in the City at this time. She added that Council had indicated they would be interested in considering a single parcel and the Planning Dept. is recommending this annexation on the basis of acceptance of City bonded indebtedness and

with temporary Comp Plan designation to be consistent with the county's land use designation of 1-4 du/ac, she said. City Attorney Weed concurred that this would be legally acceptable.

Councilor Wright moved to set a public hearing 9/8/92 with adoption of the county land use designation and the City's bonded indebtedness. Councilor Leighan seconded and the motion passed unanimously.

2. Potter/Krotke 60% Annexation Petition; PA 9206027.

Planning Director Hirashima reviewed the agenda bill, stating they have received 2 additional petitions since the agenda bill was drawn up. The recommendation is for a public hearing to be set for 9/8/92, she said and added that several calls and correspondence has been received concerning the ag use in the area and whether the current ag use would be honored under the annexation. She said she has responded in the affirmative with regard to land use and with regard to a question about if a barn were to deteriorate more than 75% and need to be replaced, she said the Planning Dept. would consider the replacement of an existing building as an accessory structure; any additional structures would be considered pursuant to current use and size of the property.

City Attorney Weed added it would depend if it is consistent with the primary use and it would have to be evaluated at the time of application.

Councilor Baxter noted this is the type of problem that's coming up with people with ag land--a farmer might want to have a machine shop, for example.

City Attorney Weed said for purposes of annexation, it would have to be evaluated on a case by case basis.

Planning Director Hirashima said this may be something that would have to go before the hearing examiner, for example and City Attorney Weed pointed out there's always the variance process, too.

Discussion followed about non-conforming uses, staying within the county, areas within the urban growth boundaries can expect densities to increase, small farm designation possibility under the Comp Plan, the Comp Plan to allow for change of land use.

Councilor Baxter moved and Councilor Leighan seconded to set a public hearing for 9/8/92 for the Potter/Krotke Annexation, as per Planning Dept. recommendations. Passed unanimously.

4. Acceptance of Construction; Marysville/Everett Pipeline; 30" Water Main; Robison Construction, Inc.

Public Works Director Zabell confirmed that the construction has been completed to the satisfaction of the Public Works Dept. and Consultants.

Councilor Baxter moved and Councilor Pedersen seconded to accept the construction. Passed unanimously.

NEW BUSINESS:

1. Doris Pierce; Rezone from Multi-Family High Density to Community Business; PA 9204017.

Planning Director Hirashima stated the Hearing Examiner recommends approval of the rezone and Mayor Weiser asked about necessary City right of way for future street improvement on Columbia.

Planning Director Hirashima referred to Condition #5 and Public Works Director Zabell stated there is some right of way still to be acquired on the east side and south still.

Councilor Leighan asked about frontage improvements and Public Works Director Zabell stated they are waived for the time being until the whole of Columbia is to be done--it's a code requirement.

City Attorney Weed explained the question is whether the property owner is aware of the cost involved and there was discussion about a possible LID, public hearing, staff recommendations, condition #5, frontage improvements, right of way dedication, resolution through a public hearing, approval subject to clarification, Planning Director Hirashima stating she could check further into this.

Councilor Herman moved to continue this matter to the next City Council meeting 8/24/92 in order to get information from proponents. Councilor Leighan seconded and the motion passed unanimously.

2. Frank Whitesitt; Marysville Moose Lodge #1845; Shoreline Development Permit & Conditional Use Permit; PA 9204016.

Planning Director Hirashima stated the hearing examiner has recommended approval of the shoreline development permit and conditional use permit, there have been no appeals but a letter was received today from Steve Spoor in opposition. She stated his letter states he was on vacation and that is why he was unable to get his letter in on time and she noted that some of the concerns that came up were wetlands, location near the stream, location within the 100 year flood plain (part of the property).

Councilor Baxter noted there are two new duplexes located right across the street on Sunnyside now.

Cherry Beard, 4822A 61st St. NE, addressed Council, stating she lives in one of the new duplexes right across the street and she represents several of the neighbors who feel a public hearing should be held. She said they are concerned about the traffic, the noise, the use of alcohol and the influence that is going to have on children in the neighborhood and whether a Moose Lodge should be in a residential area. She said they are concerned about the concept, about the change in the neighborhood character and the only people who are in favor of this project, she pointed out, are members of the Moose Lodge. She said a number of the neighbors are against this and have signed a petition and do not feel this is an appropriate place for the Moose Lodge. She added that she and her husband chose this neighborhood as a good safe place to raise their children and do not wish to accept this new development in their neighborhood. She noted the Moose Lodge has had plenty of time to find an alternate location other than this residential area; they are going in on a lot formerly owned by a member of the Moose Lodge and the only people in favor of it are members of the Moose Lodge, she reiterated. She said Marysville

MARYSVILLE CITY COUNCIL MINUTES
AUGUST 10, 1992
Page 14

has a reputation for being a good place to live and they would like to keep their neighborhood's character as it is.

Laurey Tobiason of McArdle & Murray, land use planners for the project, addressed the Council. He stated they feel a hearing is not justified as the issues were dealt with adequately before the hearing examiner. For example, with regard to traffic, a study was done by Gibson Traffic Consultants; with regard to the noise, very strict restrictions were agreed to by the Moose Lodge, he said. He pointed out the use is by a fraternal organization under a conditional use permit which requires that it be shown that the use be harmonious and the building has been very carefully planned to blend in with the neighborhood, as far as placement of the building, parking, landscaping, fencing, etc., he said. He concluded that they feel the Moose Lodge is an appropriate use and would be a good addition to the neighborhood.

Councilor Wright asked about what happens if the Moose Lodge were to disband--what would the land use be then?

City Attorney Weed answered that the conditional use permit would revert back to the underlying zoning.

Councilor Herman stated his concern is whether there was adequate review of the matter insofar as the public feelings but also noted there needs to be a process that is an efficient and timely one. He said he would be in favor of a public hearing.

Councilor Leighan agreed, stating there does appear to be quite a bit of opposition and he would be in favor of a public hearing 8/24/92 also.

Councilor Herman moved to hold a public hearing on 8/24/92 and Councilor Leighan seconded.

Councilor Pedersen commented on the conditions, noting modifications and restrictions regarding noise and Planning Director Hirashima said she could get more information on that. She added that 8/24 would not allow enough time for notices to be mailed out and recommended that the public hearing be held 9/8/92 instead.

Councilor Herman modified his motion to Tuesday, 9/8/92 and Councilor Leighan seconded. The motion passed unanimously.

3. Utility Variance Request; Brutus Associates; 15123 51st Av. NE

Public Works Director Zabell referred to the agenda bill and memo in the packets. He said under Section III there are 3 options but the only viable option is to approve the request and serve the property. He said his opinion is that this property follows all 4 criteria and so he recommended approval.

Councilor Baxter moved and Councilor Wright seconded to approve the utility variance request.

Councilor Herman expressed a concern about this being outside of RUSA.

The motion passed unanimously.

4. Warm Beach Wholesale Water; Oral Presentation by Staff.

Mayor Weiser gave a little background and explained one of the options is for Warm Beach to purchase water from Marysville and

MARYSVILLE CITY COUNCIL MINUTES
AUGUST 10, 1992
Page 15

they would like an idea of how much we could sell them and how much we would charge.

Public Works Director Zabell explained Warm Beach has indicated a need for and we could provide 50 gallons per minute or 72,000 gallons per day or 2 million gallons per month. Based on the standard commercial water rate, the charge would be \$695 per month plus an overage of \$1363, which totals \$2058 per month.

Larry Wade said Marysville could provide up to 250 gallons per minute however we do have a commitment to the 7 Lakes intertie, however he said this commitment has never been used and he thinks this is just a mutual agreement, in case of fire emergencies.

Public Works Director Zabell pointed out that the line going out to 7 Lakes and Warm Beach is only a 6" line and Councilor Baxter said he didn't think Marysville could give Warm Beach as much as indicated.

Larry Wade explained the system at Lake Goodwin/Edwards Springs Well and he explained that with a booster pump, water could be pumped to the west (from the Everett transmission). He noted this may affect rates, however, and if Marysville isolated out the well costs, you could come up with a wholesale rate. He said another factor/possibility is a wholesale rate for the Tulalip Tribes but there is a need for consistency, he warned.

Councilor Herman asked if the Lake Goodwin well needs filtration and Larry Wade stated it gets good natural filtration and does not need any additional filtration. He added that this well is good for limited capacity such as this request.

Mayor Weiser noted that because it is unchlorinated, 7 Lakes would prefer the Lake Goodwin well and in addition, Warm Beach would like a long term commitment.

Councilor Baxter asked about Warm Beach's capacity for storage.

Herman Van Lier, Vice President of the Warm Beach Water Assn., addressed Council and stated in 1977 they were required to go off the Martha Lake resource because of it being surface water. He said they have since drilled a couple wells, one of which is high in manganese and they have been looking very hard at water resources from Stanwood (they have limited capacity) and Marysville. He stated the Water Assn. needs to recommend some options at their upcoming annual meeting (Aug. 22) such as if a treatment plant is necessary, wheeling water from Marysville, wheeling it through 7 Lakes, tying it to the Warm Beach line, merging with 7 Lakes, treating water from Lake Martha, etc. He said at this point the most viable option is wheeling water through 7 Lakes out of the Marysville system however they do have limited storage--145,000 gallons, but they are investigating funding through the FHA to put in an additional 300,000 gallon storage. He said their membership pays \$16 per month, out of which \$2.50 to \$3.00 goes toward the repair fund; the customers are metered and pay an overage rate of \$1.75 per gallon up to 4,000 gallons. He pointed out that Warm Beach has changed considerably over the years--they used to be just summer homes but now they have many people living there all year round and need to upgrade their services accordingly. At the present time, he said their need is for 72,000 gallons per day which would be adequate to meet future needs as well. He noted they are only running at half their potential at this time.

Sid Locke of Stanwood and also a director of the Warm Beach Water

MARYSVILLE CITY COUNCIL MINUTES
 AUGUST 10, 1992
 Page 16

Assn., stated the average water customer uses 120 gallons per day, the total need has gotten up to 90,000 gallons per day in the summer but their main concern is to get more storage.

Mayor Weiser stated Marysville would like to work toward helping Warm Beach if we can and if 50 gallons per minute isn't going to hurt our system. He said Marysville would probably be looking at charging \$1.00 per 1000 gallons.

Public Works Director Zabell noted that we don't have a wholesale rate and neither do we normally charge capital improvement fees in a situation like this.

Mr. Van Lier noted that the Warm Beach Water Assn. has recently been changed over to a non-profit organization.

There was extensive discussion about the 7 Lakes District capacity and storage, the Critical/Coordinated Water Study recently done, costs quoted may be establishing a precedent, depreciation costs, capital improvement fees to be considered, review of wholesale rates for this particular situation, need for the Warm Beach Water Assn. to consider how much this is going to work out to for the subscribers, including the cost of the water as well as the upgrade to the storage system, other potential sources of water, have staff work on a rate, eg. \$1.19 for the first 586,000 gallons and .85 for the overage after that.

Councilor Herman said he personally would need more information and suggested Public Works Director Zabell's rates be the maximum.

Public Works Director Zabell said he could come up with an analysis, with the ceiling for the rates being as previously stated.

There was further discussion about capital improvement fees, lower monthly fees; Zabell, Wilson & Wade to come up with a more specific rate and a commitment in years possibly. The consensus was we could sell them 50 gallons a minute at maximum rates as discussed/developed.

CURRENT BUSINESS, CONTINUED:

3. Proposed Snohomish County Ordinance No. 92-100.

Mayor Weiser reviewed the recent meeting with county officials and there was general discussion about the following points:

- this is a draft proposal only
- reference to the map(s)
- revenue sharing still a major issue
- committee to be set up to study annexation issues
- options to this ordinance
 - nothing
 - continue to negotiate
 - revise prior to 8/20 (NW Annexation hearing date before Boundary Review Board)
- Joint Planning Area
- acceptance of short form plus Jt. Planning Committee
- errors with regard to water and sewer areas
- Northwest Annexation
- Annexation area
- county protesting annexations
- disenfranchising
- GMA goals re annexation
- urban density

MARYSVILLE CITY COUNCIL MINUTES
 AUGUST 10, 1992
 Page 17

- water and sewer capital improvement fees
- affordable housing issues
- protesting the DNS
- negotiating in good faith
- illegal ordinance?
- this ordinance to be presented to Monroe 8/11/92
- Joint Planning Committee/issues
- Boundary Review Board
- land use designation

Mayor Weiser concluded that he would call Joni Earl tomorrow.

Planning Director Hirashima mentioned that Monroe has rescheduled their annexation and ordinance meetings to October. She also suggested 9/14/92 as a tentative date for the Council and Planning Commission to meet again regarding the Sensitive Area Ordinance.

ADJOURNMENT INTO EXECUTIVE SESSION: 12:40 a.m. 8/11/92

1. Personnel.
2. Pending Litigation.

RECONVENED AND ADJOURNED: Approx. 1:15 a.m. 8/11/92

Accepted this 24th day of August, 1992.

David Weiser

 MAYOR

Mary D. Swenson

 CITY CLERK

Wanda A. Swenson

 RECORDING SECRETARY