ORIGINAL

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MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING	AUGUST 24, 1992
EXECUTIVE SESSION:	5:30 p.m. - Personnel
WORKSHOP:	6:00 p.m. - Recent Court Land Use Decisions/Appearance of Fairness
CALL TO ORDER:	7:10 p.m.
ROLL CALL:	All present
MINUTES OF PREVIOUS MEETING:	8/10/92 Approved
STAFF'S BUSINESS:	
MAYOR'S BUSINESS:	
CALL ON COUNCILMEMBERS:	
AUDIENCE PARTICIPATION:	Frank Brough, Steve Winters (MPD), Tom Williams
PRESENTATION:	None
PETITIONS & COMMUNICATIONS:	None
PUBLIC HEARINGS:	None
CONSENT AGENDA:	
1. $486,508.00 8/24/92 Claims	Approved
2. (6) Liquor License Renewals	Approved
REVIEW BIDS:	None
CURRENT BUSINESS:	
1. Rezone from RMM w/Restriction to RMM w/Binding Site Plan; Frank Taylor; PA 8910064	Approved
2. Final Plat Approval of Mill's Addition; Scott Turner PA 9110042	Approved
3. Northward Construction; Craig Krueger; Fence Variance PA 9206024	Denied
4. Marysville Golf Center; CUP	Approved
5. Regional Transit Project	Consensus reached
6. Rezone from Multi-Family High Density to Community Business; Doris Pierce PA 9204017	Remanded to Hearing Exam.
NEW BUSINESS:	
1. Cedarcrest Golf Course Improvements 1992/1993	Approved
2. Court Administrator's Request for Temporary Help	Approved
3. Utility Variance - Brenmar Bldrs.	Approved
4. " Var. - Marysville School Dist.	Approved
ORDINANCES & RESOLUTIONS:	
1. Ordinance approving final assess. roll - U.L.I.D. No. 12	Ordinance 1899 Approved
2. " U.L.I.D. No. 14	Ordinance 1900 Approved
3. " U.L.I.D. No. 17	Ordinance 1901 Approved
4. " U.L.I.D. No. 18	Ordinance 1902 Approved
5. Resolution Establishing Parking Restrictions	Resolution 1570 Approved
6. Res. granting Utility Var. for Brutus Assoc.	Resolution 1571 Approved
LEGAL MATTERS:	None
ADJOURNMENT INTO EXECUTIVE SESSION:	11:10 PM
1. Real Estate 2. Pending Litigation	
RECONVENED & ADJOURNED:	12:15 AM 8/25/92

MARYSVILLE CITY COUNCIL MINUTES

AUGUST 24, 1992 7:10 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, Finance Director
Gloria Hirashima, Planning Director
Eric Thompson, Associate Planner
Sue Jensen, Court Administrator
Roger Kelley, Communications Officer
Jim Ballew, Parks & Recreation Director
Mike Robinson, Cedarcrest Golf Course
Wanda Iverson, Recording Secretary

CORRECTED: SEE MINUTES 9/8/92

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:10 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 the $10,000 difference referred to on page 7, about 3/4 of the way down the page, be explained: i.e., the $10,000 adjustment being made in the ULID was because that would be normal utility expenses.

Councilor Pedersen asked that on page 5, in the sixth paragraph, "different" be changed to "difference".

Councilor Pedersen moved and Councilor Herman seconded to approve the 8/10/92 minutes as corrected. Passed unanimously.

STAFF BUSINESS:

City Administrator Garner reported the new Asst. Finance Director, Janet Tagert, started today; there will be an all day City Council Workshop 9/26 (no location as yet); Navy Impact Committee to meet 9/15 10 a.m. in the Public Safety Building and Donna Wright is to be meeting with the Navy with regard to supply procurement; County Recycler of the Year Awards Banquet 9/1 at Evergreen State Fair (one of the City's employee's has been nominated).

City Attorney Weed stated there has been a recent change by the Legislature with regard to public contracts effective 9/1/92 and he will be preparing a memo on this.

Planning Director Hirashima announced that John Dorkus is the new Building Official, to replace Harry Britton. He was chosen out of 6 finalists.

MAYOR'S BUSINESS:

Mayor Weiser stated he had received several phone calls about the

proliferation of caterpillars in the City, people wanting to know if the City could spray or something.

City Attorney Weed said if it's a problem on public property, the City would be responsible however, he said he is not aware of it being the City's responsibility to eradicate caterpillars, otherwise.

Mayor Weiser announced the result of discussion in Executive Session, that Dave Zabell was the choice for the new City Administrator as of 1/1/93. He explained this would be an in-house transfer and the appointment would be for a two year term.

Councilor Pedersen moved to approve the appointment of Dave Zabell to City Administrator for two years, subject to finalization of a contract drawn up by the City Attorney. Councilor Baxter seconded and the motion passed unanimously.

CALL ON COUNCILMEMBERS:

Councilor Herman stated he would appreciate a copy of the memo regarding the topic the City Attorney referred to earlier (public contracts--new legislation).

Councilor Leighan reported on the Parks Bd. meeting of 8/12, noting they had a successful summer program, as far as participation is concerned, however their costs were $14,000 with a revenue of only $1155. He listed the number of participants in each of the many programs that were offered. With regard to the Sounds of Summer Concert Series, they are now being held every Friday night now and in Jennings Park (change of time, day and location). The Brookwood Park meeting is coming up soon, notices to be sent out, it will be announced on Channel 18 and in the newspaper, he said. He also noted they discussed Mother Nature's Window and the City went ahead and applied in tandem with the County for a Conservation Futures Grant to preserve this area for a park.

Councilor Leighan then reported on the TV Advisory Committee who recently met and discussed wiring the Council Chambers for sound, in an attempt to be able to broadcast City Council meetings, hearings, etc. Options 1 (the most expensive), 2 and 3 were discussed among Council (handout). Councilor Pedersen commented on the fact that all the equipment under Option 1 might not be necessary and Councilor Leighan agreed; he stated that was what equipment Bremerton had purchased and it requires 3 people to run.

Councilor Pedersen mentioned the advantages of doing the City Council meetings live and taping them at the same time.

Councilor Leighan showed a VCR where a fixed camera was placed in Council Chambers and mentioned the advantages and disadvantages of Options 2 & 3.

Councilor McGee asked about using a wide angle lens and Communications Officer Kelley said that was not available. He added that TCI Cablevision has not been approached as far as providing equipment to the City.

Councilor Pedersen asked if we could tape the meeting live and Councilor Leighan said he wasn't sure. He explained "Option 4".

Councilor Pedersen suggested soliciting local businesses for donations and said she feels strongly that it's important to let people know what's going on and this could be a very strong motivation to bring people down to the City Council Chambers.

Councilor Leighan talked more about the equipment options but Communications Officer Kelley noted that they need to get someone with the expertise as far as turning the City Council Chambers into a mini TV station.

There was further discussion about TCI, local businesses possibly donating funds, presentations from someone who has the knowledge about TV cameras/other equipment, stationary units vs. panning, taking a lok at other cities, equipment capabilities, operators needed, further investigation required, contributors being acknowledged (eg. "This program was made possible by XYZ Company), FCC regulations (tough), TCI representative to attend next TV Advisory Committee meeting in September.

Councilor Wright asked about the progress of the Model Land Use Capacity Ordinance and City Attorney Weed said he would have a draft to Planning Director Hirashima within a week.

Councilor Pedersen reported on a recent Snohomish County Health Board meeting and noted the City of Marysville's monetary commitment increased for 1993, as per agreement. She said they discussed other issues at the meeting such as the 1993 budget, a septic pumper certification program (a self-policing program), disposal of street sweepings, hazardous waste, chemical markings on railroad cars.

Councilor Baxter asked about the Garbage Committee next meeting and Finance Director Wilson said he has sent a memo to John Garner regarding 3 contracts for review by the Solid Waste Committee and it may be possible the Garbage Committee can have a meeting at the same time in order to look at rates, negotiations with contractors, etc.

City Administrator Garner stated he has asked for additional information, with a prospectus for a private collector together soon. He said he hopes the committee will be able to meet by 9/21 (the third Monday of Sept.).

Councilor Baxter reported the Coordinated Water Service Committee will be meeting tomorrow (almost all day); they will be looking at how small systems will be managed in the event of bankruptcy because of the Dept. of Health regulations, for one thing.

Councilor Myers asked about the torn up sidewalks east of Parkview Estates, on 64th and whether they need to be repaired within a certain time frame.

City Attorney Weed said usually there's not much tolerance in the Public Works Dept. and he suggested Tom Loughlin be contacted. City Administrator Garner said he would follow up on this.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS:

Frank Brough, 1350 Cedar, addressed Council and presented a list of signatures from his neighbors in "E" Building behind Bry's and Pizza Hut who are all complaining about the loud noise being created every night with the kids that hang out in the parking lot with their stereos blaring. He said when he talked with the police, they told him the mayor said for 911 to just ask the kids to quiet down, not to make them go home or anything. He talked about the vandalism that has occurred in the area and specifically one night when he actually saw kids come over the fence, come into the building and stole a laundry folding table.

There was discussion of Councilmembers about this being a local

hangout, that the kids have permission to be at Bry's but they are not being considerate of people in the apartments behind, the possibility of a noise ordinance.

Councilor Herman asked about openings (gates) in the fence, if that was how the kids were gaining access to the property on Cedar and Mr. Brough explained those have been closed because of a child almost being run down by a train. There's supposed to be no trespassing, he said, but the kids from Bry's jump over the fence and come into the apartment complex. He said noise is the main problem, however, and the cops have also told them that there's nothing much they (the cops) can do about it.

CORRECTED: SEE MINUTES 9/8/92

Councilor Herman asked if the alley paralleling the railroad is public right of way or BN right of way and Mayor Weiser said he believed it is BN right of way. In that case, it was Councilor Herman's guess that 911/police may not have any jurisdiction in BN right of way.

Mayor Weiser pointed out it's not illegal for kids to congregate, however, other things happen. More discussion ensued regarding other areas that are having problems with loitering, vandalism, noise.

City Attorney Weed stated a noise ordinance can be put into effect establishing a maximum decibel level, or a noise ordinance that describes noise as "offensive to a person of reasonable sensibility" but these are hard to prove. He said other alternatives are putting into effect a cruising ordinance (such as Everett's), instructing the police to enforce current laws of disorderly conduct, eg., etc.; having greater police patrol in certain areas, but he warned there is no "sure cure".

Mr. Brough said he heard about some kids who came over and started a fight because someone asked them to quieten down and so some of the people are afraid of retaliation.

Councilor Leighan suggested Mr. Brough present the petition to Bry's and Mr. Brough said he spoke with an employee of Bry's for about 20 minutes; he understands Bry's son is a member or leader of the group of kids that are causing all the noise.

Mayor Weiser offered tomake copies and get originals back to Mr. Brough so he could present the petition to Bry's and other merchants in that area. He said what he talked with the police about was their going onto private property and asking the kids to move on--property owners have given kids permission to stay on the property and the City doesn't have a loitering law in place at this time.

Councilor Leighan suggested the possibility of the City allowing the kids to go to a "free zone". He added he was surprised there was such poor attendance at the rock concert recently, because kids are always looking for something to do.

Councilor Pedersen agreed that there is not that much for kids to do in Marysville and she said she would like to see a teen council possibly formed.

Councilor Leighan pointed out that you have to get the kids involved and unfortunately, there are some liability concerns, too.

Councilor Pedersen said she thinks they have a valid concern and if there is anyting City Council can do, she would like to see it.

Mayor Weiser noted that at the time the cruising ordinance was discussed there initially was a lot of interest in a teen council and other ideas, but the interest seemed to die down and Marysville still has a lot of cruising on Saturday nights, especially.

Councilor Leighan said unfortunately, there's a lot of vandalism, too. He noted that 95% of the kids might be OK but it's that 5% that is worrisome and maybe a car club or something of that nature would interest them.

Councilor Baxter said he had already suggested a car club. There was more discussion about how to decrease cruising, getting the kids involved in the issues/problems, most cities have the same problems ("nothing for the teens to do"). Mayor Weiser said he would follow up on this and clarified that the intent of his memo to the Police Dept. was to merely have them ask kids to move on.

Steve Winters, MPD, addressed Council and stated he has some personal concerns about a place of congregation for teenagers. He said he remembers the Chita's situation well--gangs, guns, etc. and the MPD doesn't do anything unless there is something specific going on such as fights; there's too much gang activity going on, he said and he added he would like to see a curfew for 14 year olds. He added that his son is 16 and is home by midnight. He said he thinks the City should have a cruising ordinance and a curfew vs. sponsoring a place for the kids where the City might end up having some liability. He pointed out that there's a lot of cruising and congregation and the larger the group, the more trouble that can start.

Councilor Leighan asked about constitutional/legal problems with curfews and City Attorney Weed said yes, they call them "parental responsibility ordinances" now and there are some very real liability concerns on the part of the City with regard to curfew ordinances. He said you can't just have a blanket prohibition regarding congregation after a certain time--it's a complex issue. He said Snohomish is going through this right now and they may end up one of only 5 cities in the State with an ordinance of this type; this area is not settled within the law, he pointed out.

Officer Winters said Marysville's proximity to I-5 has to be taken into consideration also--kids come into town, raise problems (a lot of times with guns) and then leave town quickly--a lot of kids and cops are getting hurt, he said.

Councilor Pedersen said she would like to refer the matter back to the City Attorney and City Attorney Weed said he is sure Snohomish would share the draft of their ordinance with Marysville. He added that he could also come up with samples of noise ordinances.

Councilor Baxter said the fact remains that people still have to call 911 about the noise and the police are going to have to respond.

Councilor Myers asked if the cruising ordinance is easier to enforce without violating rights and City Attorney Weed cited Everett's successes with their cruising ordinance and he pointed out that it's constitutional.

Mayor Weiser reviewed the possibilities: a cruising ordinance, curfew ordinance, noise ordinance, loitering ordinance and Councilor Baxter said unfortunately, that may border on harrassment and all you are doing is moving the kids around from one place to another.

There was more discussion about enforcement and/or lack of it, improvements that have occurred in Everett since instituting their cruising ordinance, the business owner's responsibility/liability (when a known danger exists on their property), potential liability, noise ordinance, public nuisance laws, enforcibility, Marysville not having an ordinance in place at this point, City Attorney to bring some samples of ordinances back for City Council to review: parental responsibility ordinance, cruising ordinance, noise ordinance, loitering ordinance. Another suggestion was to get the MPD to put together some facts and figures with regard to problem locations, enforcement problems, etc.

Thomas Williams, Grace Baptist Academy Administrator, 11814 44th Av. NE, Lake Stevens, addressed the Council. He said he wished to submit some information/appraisal with regard to ULID 12.

City Attorney Weed pointed out that the public hearings have been closed on the ULIDs so this could not become part of the record without a public hearing. He explained that the decision can be appealed up to 10 days after the effective date of the ordinance, however. He said he would recommend not reopening the public hearing and he explained the appeal process to Superior Court.

Mr. Williams said he would probably speak to the matter later on the agenda.

CONSENT AGENDA:

1. Approval of 8/24/92 Claims in the amount of $486,508.00.
2. Approval of (6) Liquor License Renewals.

(Councilor Leighan excused himself on Voucher #12764.)

Councilor Baxter moved and Councilor Myers seconded to approve Consent Agenda Items 1 & 2. Passed unanimously.

REVIEW BIDS: None.

CURRENT BUSINESS:

1. Rezoning from RMM with Restriction to RMM with Binding Site Plan; Frank Taylor; PA 8910064.

Planning Director Hirashima reviewed the site description and request, noting the Hearing Examiner has recommended approval. There have been no appeals and the Planning Dept. recommends affirmation of the Hearing Examiner's recommendation for approval, she stated. She added that this site was the subject of a request for a mobile home park overly which was then subsequently removed. She stated they asked, however, that RMM zoning be retained which allows up to 18 du/ac and they then returned with a binding site plan for 108 units.

Councilor Baxter asked about the density and Planning Director Hirashima stated under the mobile home park overlay it was single family density and they have now had to go through the entire rezone process in order to get the RMM zoning for the higher density--108 units.

Mayor Weiser noted that originally it was going to have mobile home units and duplex units.

Councilor Pedersen asked about open space requirements and Planning Director Hirashima stated the 10% requirement has been met.

Councilor Pedersen referred to a memo from Eric Thompson to Dave Zabell with regard to access and Planning Director Hirashima said the stub was actually on Holman's property. She added that also adjacent to this property is a row of single family dwellings in Parkview Estates and as far as perimeter treatment, there will be a 6' high sight obscuring fence along the south and west sides.

Councilor Herman asked for clarification as to density in the previous request vs. this request and Planning Director Hirashima responded that it was 6 du/ac vs. 18 du/ac now.

Councilor Pedersen asked about the binding site plan reverting to single family density and Planning Director Hirashima explained there was conflicting language and she referred to the findings where the hearing examiner clarified this issue. She pointed out that whether RMM or single family is approved, it would still be a rezone and there were merely some advertising concerns.

Councilor Pedersen asked about 3 story units and Planning Director Hirashima stated there are 2 structures planned to be 3 story, on the SE corner of the site: One at 60th & Hickok and the other on 60th next to the school; they both are subject to the 35' height restriction.

Councilor McGee moved that the request be approved for the rezone/ binding site plan, with the 11 conditions as outlined by the hearing examiner. Councilor Pedersen seconded and the motion passed unanimously.

2. Final Plat Approval of Mill's Addition; Scott Turner; PA 9110042.

Councilor Pedersen disclosed that she and her husband have rental property across the street and so she stepped down from Council and left Council Chambers.

Planning Director Hirashima referred to the agenda bill, noting the property was originally in the county and went before the Snohomish County Hearing Examiner, it then became annexed with conditions that the City would honor the preliminary plat subject to the Snohomish County Hearing Examiner's 12 conditions as well as payment of school, TIP and park fees. She confirmed that the applicant has complied with all conditions and paid all mitigation fees and stated the Planning Dept. is recommending that the Mayor be authorized to sign the final plat mylar of Mill's Addition, subject to one pre-recording contingency and one post-recording contingency as per the agenda bill.

Councilor Baxter moved and Councilor McGee seconded to authorize the Mayor to sign off on the final plat mylar as recommended by the Planning Dept.

Councilor Herman commented on the process, with this starting out in the county and asked if the county would be receiving some of the mitigation fees. Planning Director Hirashima said yes, the county would be.

The motion passed unanimously.

3. Northward Construction; Craig Krueger; Fence Variance; PA 9206024.

Planning Director Hirashima reported the hearing examiner has recommended denial of the fence variance, the Public Works Dept. has recommended denial also. She stated the applicant has now

removed the fence and the Planning Dept. is recommending the hearing examiner's recommendation for denial be affirmed with a stipulation that the applicant fix damage/holes which have been created because of the fence removal. She stated the applicant has in fact, agreed to this.

Councilor Baxter moved and Councilor McGee seconded to affirm the Hearing Examiner's recommendation to deny the fence variance, including the stipulation of repair to the street. Passed unanimously.

4. Marysville Golf Center; Conditional Use Permit; PA 8709039.

Planning Director Hirashima reviewed the history, noting the request is for reinstatement of the Conditional Use Permit and the Hearing Examiner has recommended approval with conditions from the previous conditional use permit, as well as City ordinances and Court Order conditions. The Planning Dept. is recommending the Hearing Examiner's recommendation be affirmed, she said, and she noted that there was some concurrence with regard to public safety between the neighbors and Marysville Golf Center. She referred to the Hearing Examiner's conditions, noting that approval of the conditional use permit would be after review by a licensed golf course architect or engineer and the "irons only" condition on 5 stalls would remain intact. She stated that possibly this condition could be lifted at a later time; no appeals to the Hearing Examiner's recommendation had been received within the 14 day appeal period.

Kurt Ramcke, owner of Marysville Golf Center, addressed Council and asked that they reinstate his conditional use permit as per the staff and hearing examiner's recommendations. He said he has submitted a plan to Dave Zabell including an architectural recommendation and design and he is confident in talking with several engineers and the Spalding people (the information from them went to the Planning Dept. also), that the wing nets will work.

Councilor Leighan asked if the plan had been reviewed by a "licensed golf course engineer" and Mr. Ramcke said no, it had been reviewed by a structural engineer. Everyone who is a golf course engineer is more familiar with drainage and topography issues, he said and he went to J. Spierman, an engineer who is familiar with support poles and nets, etc., structural components.

Councilor Pedersen asked if there was a time limit for when all the conditions need to be done and City Attorney Weed said they would have to be done prior to the business reopening, to the satisfaction of the Planning Dept./Building Dept. and would then verify this with the City Attorney who would then sithdraw the Superior Court injunction.

Councilor Pedersen referred to the findings of fact, noting that the Hearing Examiner has recommended a licensed golf course architect/golf course engineer.

Planning Director Hirashima answered that that related to the wing nets providing containment and she said she is not sure if there is such a thing as a licensed golf course engineer.

City Attorney Weed stated his interpretation would be that a structural engineer would suffice and meet the requirements.

Councilor Herman agreed that the focal point of a structural engineer would be with the structural integrity/design to capture errant balls and Planning Director Hirashima added that was the

concern of the neighbors at the public hearing.

City Attorney Weed stated there needs to be some real clear direction from the engineer making a recommendation to City Council with regard to the wing nets.

Mr. Ramcke explained the golf center has some additional netting; he said it's really a two part system.

City Attorney Weed explained that in order for the golf center to comply with al the requirements set forth, the engineer would need to give an affirmative response that these balls will be captured by that system.

Mr. Ramcke indicated he understood. He then referred to condition #2 on page 5 - TIP participation and condition #3 regarding Ordinance 1883 (sewer availability). He said as far as #4, binding site plan to be submitted, he has done that (in hand). But he said he thought #2 and #3 have been covered by Tom Withers, the original owner of the golf center. He pointed out that this is not a new business and there has been no change in business or sewer needs.

Mayor Weiser pointed out that those conditions could not be changed without a public hearing and Mr. Ramcke said he would recommend the City Council have another public hearing then.

Don Boone, 7404 66th Av. NE, addressed Council, stating one of the neighbors wants to know what happens if the wing nets don't work. Also, he said they have been coming before Council for a couple of years and they are just wondering if it's going to keep going and going, but he said they are willing to keep coming back every Monday night. He said if it is going to take a public hearing to solve this, then he would suggest the Council do it. He noted that every time something goes wrong, it always takes so long to get it resolved, eg., the leaning poles, etc.

City Attorney Weed explained that if this proposal is approved, and there are problems down the road, there are sections of the ordinance for the neighbors to request compliance with the ordinance.

Councilor Pedersen pointed out that that process has taken the neighbors three years to get to the point they are now at.

City Attorney Weed said hopefully some things have been learned by both neighbors and the golf center here, in the event new problems arise down the road.

Mr. Ramcke said regarding participation in TIP 2 & 3, it looks like that's at the Public Works Dirctor's discretion and so he would withdraw his request for the City Council to hold a public hearing, as he doesn't wish this delayed any longer.

Councilor Pedersen asked about the TIP participation and compliance with Ordinance 1883.

City Attorney Weed stated the prior CUP was revoked and so a new CUP requires participation in the TIPs and Ordinance 1883 compliance so the Public Works Director would only determine the amount of participation and perhaps Mr. Ramcke would like to find out what that dollar commitment is, but he does not have the option of participation, he stated.

Don Boone said that in talking it over with the other neighbors,

they would withdraw their request for a public hearing for right now, also.

Councilor Herman commented that with regard to the wing nets being reviewed by a licensed golf course architect/engineer to make sure the design will ensure capture of all hooked or sliced golf balls, is a condition that he is sure the City staff will enforce and as long as that's made very clear, he said he is comfortable with affirming the hearing examiner's decision.

Councilor Pedersen said she admired Mr. Ramcke's patience in trying to capture all the balls. She asked if this fails, if there is anything that can be done to close the driving range immediately.

City Attorney Weed said no, a violation of the conditional use permit would have to go through a public hearing before revoking the CUP/business license.

Planning Director Hirashima stated she thought a building official could close the business in the event of a public safety issue but City Attorney Weed said he didn't believe the building official would have that "carte blanche" authority.

Councilor Pedersen asked condition "h", whereby the golf center must obtain the user's name and address, time of day when the user begins and ends his or her golfing. She noted that a lot of times this couldn't be done at the driving course and this was an effort to identify stray balls; if they reopen and if these records were not kept, she asked what would happen then.

CORRECTED: SEE MINUTES 9/8/92

City Attorney Weed said the City would have the right of revocation.

Councilor Baxter said he finds it difficult to believe that with the additional money spent, Mr. Ramcke would not make every attempt to meet every requirement, knowing that the Council would revoke the conditional use permit and business license in a most expedient manner.

Councilor McGee moved and Councilor Baxter seconded to affirm the Hearing Examiner's recommendation with 4 conditions. Passed unanimously.

5. Regional Transit Project.

Councilor Herman thanked Ray Lloyd from CT for being present again and noted that he has done a great job as far as bringing the Council up to speed on high capacity transit issues. He explained Friday is the next Joint Regional Policy Committee meeting at which time they will be setting the RTA boundary in order to comply with legislation. ~~and included in this document will be the taxation structure to pay for the service by a high capacity transit.~~ Councilor Herman stated he is not happy with the .9 cent sales tax increase proposed for funding, although some of the funds may come out of a gas tax, he understood.

CORRECTED: SEE MINUTES 9/8/92

Mr. Lloyd clarified that, stating a gas tax would run into constitutional problems; another financial alternative was a motor vehicle excise tax on gas and other possibilities are being looked at.

Councilor Herman stated the next legislative session may provide more avenues of funding; right now, it's very unpredictable. CT will recommend boundaries to the JRPC and a decision is to be made

this Friday, he said, then they must go through the environmental review process, with the county council to review and some changes may be made at that point. He pointed out that Bill Brubaker (on the Sno-Tran board) has some concerns and the end result must be as a consequence of a vote taken of the entire RTA.

Mayor Weiser asked about the specific advantages to Marysville by being within the RTA and Mr. Lloyd said advantages could include possible feeder rail service and increases to present CT service (possibly double the present service). Another alternative, he said, is if Marysville/Snohomish County didn't want to join until later, they have been told it would cost $200 million vs. $41 million times 30 years, but there's no definite latecomer fee specified. Sno-Tran has gone ahead with a boundary encompassing Mill Creek, he said, and with regard to the funding, Marysville currently pays .3 cents.

Councilor Herman pointed out that there's really no way of telling how this is going to be funded until the Legislature meets again and in the meantime, the boundaries are being decided on. If we decide to be included in the RTA boundary and then six months or so down the road, find out that the tax structure is not attractive, he said it seems like Marysville could use the 45 day review period to withdraw from the boundaries.

Mr. Lloyd added that Pete Hurley and Bill Brubaker are at odds on the resources/funding.

Councilor Baxter said with this being an election year, it's hard to believe they would impose a .9 cent additional sales tax--that would be political suicide.

Mayor Weiser said there are so many people from out of town who are going to benefit outside the City, so he thinks the tax should be countywide. He noted Marysville tried to get some changes to the CT routes and we need that input with our particular parking problems.

Councilor Herman said he agrees Marysville should not have a substantial tax and no tax in the county.

Councilor Baxter pointed out that crossing a river and 3 sloughs is a little difficult for rail service and that's going to eat up the whole budget, just to get Marysville included in the RTA boundary.

Councilor Herman said with the feeder services, 2/9ths of the money goes to feeder services for the rail services which will turn RTA services into north and south systems, basically; CT is going to be oriented in a more east-west direction, he said and once there's a rail system in place, he said he is not sure what is going to happen with the current CT bus routes/vehicles/infrastructure.

Mr. Lloyd pointed out that 2/9ths would pay for interim service, another 1/9th would pay for extension of rail service and a competing and parallel system would have to be eliminated, however. He said that is what he sees as something not happening for 20 years.

Councilor Herman said there seems to be a lot of concern about the tax structure/increase, financing, statewide gas tax, etc.

Mr. Lloyd stated there's an ad hoc committee advising DOT with regard to issues regarding a statewide tax and how it can be

administered. One of the problems is equity between the east and west side of the state, he said and added that it's the same argument with roads on both sides of the state.

Councilor Herman said there's also been a lot of concern about speeding up the process and Mr. Lloyd said among other things, CT has requested the best technology be used but time and money are big items needed for tunnelling under Lake Union and Lake Washington. He said they could use alternative alignment but CT has suggested a "golden spike scenario" in Snohomish County to speed up the process for Everett-Lynnwood-Marysville.

Mayor Weiser noted that a lot of people's work sites were predicated around existing rails and asked if that was a possibility for the RTA to use.

Mr. Lloyd stated BN has no interest in this however, commuter rail-double track in other areas has proven to be a lot cheaper, for example, he just took a trip from Seattle to Vancouver via rail. It was 6.5 hours compared to 2.5 hours by car because of lower speed limits, such as 5-10 mph, in so many places, but it is a most viable route and method.

Mayor Weiser said if Marysville is to be included in the RTA boundaries, he would like to register a complaint against the funding by sales tax within Marysville only; it should be county-wide, he feels, he said.

Councilor Herman pointed out that in areas where a dramatic population growth is expected, it has to be remembered that a high capacity rail system is probably a plus but it will also have an impact in a community as far as land use and population, too.

Mr. Lloyd said he would like to see the entire county included in the taxation to discourage a car dealer, for example, moving out of the city in order to avoid a tax and then be able to sell a car for less because of less taxation.

Councilor Baxter said he is not just concerned with the method of taxes but all the other expenses that are related, for example, HOV lane improvements, etc.

Mr. Lloyd said this is a DOT function, or has been in the past, and CT doesn't feel it should be CT's responsibility to improve HOV lanes.

There was discussion about whether or not Marysville should be included in the RTA boundaries. Councilor Baxter said he is against because of our location; Councilor Pedersen said she was in favor; Councilor McGee said he is in favor but economics need to be resolved, with a change a the tax structure; Councilor Wright agreed; Councilor Myers said he was undecided; Councilor Leighan said he would be in favor as long as we have the option to back out. It was agreed the majority/consensus was to opt into the RTA with severe reservations for funding; the preference being there should be county-wide taxation.

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

Planning Director Hirashima reviewed the request and noted that no record of the right of way dedication has been found so it still remains a condition of the approval (condition 5). She also noted there was an 18 mo. time limit for an LID or full improvements and in the interim, interim improvements would need to be made, such

as paving of Columbia, prior to the rezone being approved or approved subject to paving/improvements.

Councilor Leighan asked for clarification of the Public Works Director's requirement of "interim street improvements" and Planning Director Hirashima stated it would involve minor paving and elimination of the speed bumps within 18 months.

Councilor Herman pointed out that's not included in the Hearing Examiner's recommendations but Planning Director Hirashima said that's a routine time frame.

City Attorney Weed stated that if the applicant agrees with that, there would be no need for a public hearing.

Doris Pierce, 3806 100th Pl. NE, addressed the Council, stating they went through all this in 1989 and they gave her two years at that time; she said they completed all the right of way and rezone requirements.

Councilor Pedersen asked if that was in conjunction with the rezone/CUP on the batting cage and Ms. Pierce said yes, it was.

Planning Director Hirashima stated this application is to rezone the entire property to commercial and asked the applicant if the interim improvements could be completed right away on Columbia.

Ms. Pierce said this was never mentioned to them before; these are not minor repairs.

Planning Director Hirashima pointed out that this is just a repeat of the original conditions, however they did not complete them before. Curbs would not be required at this time, they would be included in the LID and that's why the interim improvements need to be completed within 18 mos., she said. She reiterated that the City cannot locate any LID or right of way dedication completed documents.

Councilor Baxter said there has been a problem with that section of street for a long time and Planning Director Hirashima said this is not anything different from any other residential or business that would be required. She said normally the City requires curbs, gutters and sidewalks but is only requiring an overlay of the road at this time. Later, they would not have to do this again under an LID, she said.

Councilor Baxter pointed out that there's no base under that street surface and so antying you do in the interim would be a waste of time and money.

Mayor Weiser asked if a time frame could be stipulated for the LID and whether these changes would necessitate another public hearing.

City Attorney Weed said no, this wouldn't require another public hearing as it would be a minor change to stipulate an LID time frame and interim street improvements at the discretion of the Public Works Director.

Mayor Weiser noted that removal of the speed bumps on Columbia would be a tremendous improvement.

Jeanine Schultz, 3414 188th St. NE, Arlington, addressed Council, as owner of the property. She said there seems to be a real confusion on where the property is; she understood the rezone is to

include the bowling alley and in 1989 when they came in for the batting cage, she understood the City rezoned it multi-family high density, but they did not request that change. She said as she understands it, the City goofed and the applicant would like it reverted to what it was (commercial).

Planning Director Hirashima explained the rezone is for the entire parcel--bowling alley, batting cage and mini golf--to go back to commercial.

Ms. Schultz asked if sidewalks would be required on both sides under the LID as well as road improvements because this is only a temporary business, not the best use of the property. She referred to a 1984 appraisal and noted there is some confusion about rezoning on the west side.

Planning Director Hirashima explained the batting cage is multi-family with a conditional use permit, the bowling alley is still multi-family and the right of way dedication is not shown on the assessor's map either but with the road running down the middle, separate parcels may have been created.

Councilor Baxter noted the right of way dedication was a condition and Planning Director Hirashima said it's not reflected in any of the assessor's records. Ms. Schultz stated they have no objection to signing the right of way dedication over to the City.

Planning Director Hirashima stated that if they ultimately want to use this for multi-family, the Hearing Examiner's recommendation is not appropriate as it is based on a request for commercial.

Ms. Schultz said the west side should be commercial, the east side should be multi-family.

City Attorney Weed said if it's not the owner's desire to have the whole 3.21 acres rezoned, then it should be remanded with an appropriate legal description.

Councilor Baxter pointed out that with a deeded right of way, that will create two parcels and Planning Director Hirashima agreed, stating the dedication of the right of way should come first.

Councilor Baxter moved to remand the matter to the Hearing Examiner for appropriate zoning on the appropriate parcels, Councilor Pedersen seconded and the motion passed unanimously.

NEW BUSINESS:

1. Cedarcrest Golf Course Improvements 1992/1993.

Parks & Recreation Director Ballew referred to the agenda bill and stated they could have the improvements done to the golf course as early as next July. He reviewed an overhead of the proposed changes, noting they will be losing approx. 15' over the entire length of the course. The proposal is to be done in two phases, some trees would have to come out, part of the pond would be lost also, he said but the improvements would need to be made now. He explained there is no budget for this because this has been shoved up a year but Mike Robinson says he is confident that these changes can be made at a cost of about $10,000 (it would be done inhouse, which would result in a savings) and with a delay of purchase of $20,000 worth of capital equipment for 1992, this would provide the needed $10,000 for this project.

3. Ordinance Approving Final Assessment Roll for U.L.I.D. No. 17.

Councilor McGee moved and Councilor Myers seconded to approve/ adopt Ordinance 1901, establishing U.L.I.D. No. 17. Passed unanimously.

4. Ordinance Approving Final Assessment Roll for U.L.I.D. No. 18.

Councilor Wright moved and Councilor Leighan seconded to approve/ adopt Ordinance 1902, establishing U.L.I.D. No. 18. Passed unanimously.

5. Resolution Establishing Parking Restrictions.

Councilor Pedersen moved and Councilor Baxter seconded to approve/ adopt Resolution #1570. Passed unanimously.

6. Resolution Granting a Utility Variance for Brutus Associates Property Located at 15123-51st Avenue NE, Marysville.

Councilor Wright moved and Councilor McGee seconded to approve/ adopt Resolution #1571. Passed unanimously.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:10 p.m.

1. **Real Estate.**
2. **Pending Litigation.**

RECONVENED AND ADJOURNED: 12:15 a.m. 8/25/92

Accepted this 8th day of September, 1992.

David Weiser
MAYOR

Mary E. Swanson
CITY CLERK

Wanda A. Iverson
RECORDING SECRETARY