

MARYSVILLE CITY COUNCIL SPECIAL MEETING

September 24, 1992

4:00 P.M.

City Hall

Present: Mayor Dave Weiser
Councilmembers:
 Donna Pedersen, Mayor Pro Tem
 Ken Baxter
 Dave McGee
 Donna Wright
 Otto Herman
 Mike Leighan
 John Myers
Administrative Staff:
 John Garner, City Administrator
 Gloria Hirashima, Planning Director
 Dave Zabell, Public Works Director
 Grant Weed, City Attorney
 Wanda Iverson, Recording Secretary

00126

CALL TO ORDER:

Mayor Weiser called the meeting to order at 4:00 p.m. and for the record, noted that this is a Special Meeting which was duly advertised with the press, etc., per state statute. He explained the purpose of the meeting is to review tentative agreements with the county regarding funding of the 88th St. bridge, the Northwest Annexation and other issues as per the Draft of the Memorandum of Understanding handed out.

He read the Memorandum of Understanding, noting that under number 1 the City and county shall execute an interlocal agreement for the sharing of costs 50/50 for the unfunded portion of the 88th St. bridge project. Because this figure changes depending on various factors, he noted the agreement puts a 10% cap on the \$700,000 figure at this point, i.e. Marysville's share is not to exceed \$385,000.

2. Within 30 days of the date of this memorandum, the City and County shall execute an interlocal agreement for joint planning under the Growth Management Act.
3. There will be no sharing of tax revenue from the Northwest Annexation. (He noted this has been agreed with the county already.)
4. The County will repeal Ordinance 92-100.
5. The County will not appeal or join in an appeal by any other party of the Northwest Annexation decision of the Boundary Review Board under File No. 9-92.
6. Both City and County agree to good faith negotiations.

He noted this draft represents a significant change to what had been talked about previously and firstly, allows the Northwest Annexation to proceed. Secondly, it would set \$350,000 as the City's portion of the 88th St. bridge project; this is what the City is giving up for the Northwest Annexation, he said and added that with regard to revenue sharing, this is a major concession on the part of the County.

City Administrator Garner pointed out that the County is expecting the money soon for this.

Mayor Weiser noted it's not a lump sum, it's in fact to start in 1993, 1994, 1995, etc. and \$147,000 in revenue will be coming to the City, sales taxes immediately, property taxes (starting with second half taxes for 1993) to come in 1994.

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Councilor Pedersen said she was glad to see the \$350,000 being spread over 4 years and asked about the joint planning under the Growth Management Act referred to under #2.

Mayor Weiser said we were fairly close with the language in the interlocal agreement and some of the major points are:

- joint planning area including the area south of 172nd, north of 152nd and an area east of Highway 9
- providing of utilities east of Highway 9
- City agreeing not to submit any annexations outside of the tentative boundaries/annexation boundary until 7/1/93.

There was brief discussion about what annexations might be in progress at this point, Sunnyside Blvd., Pete Poortinga's property, including south of 108th (Robinett) and south of 132nd (Belmark property).

Planning Director Hirashima stated she understood the county is to check on the Robinett and Belmark pieces and it had been discussed that these would be more appropriate to be included within the Urban Growth Boundary.

Gary Petershagen asked if there is any distinction between the Urban Growth Boundary and the Annexation Boundary.

Planning Director Hirashima said the county has revised the document to Interim Urban Growth/Annexation Boundary.

Councilor Baxter asked about the Poortinga property being left out and there was more discussion about that.

City Attorney Weed noted the original draft had a few differences, for example the draft from Joni Earl was mainly regarding the 88th St. bridge project and the City added other issues. He said their version specifically referred to the 88th St. Bridge Project and Marysville has made it more general. He noted #6 memorializes recent discussions with the county about the Northwest Annexation and we have not heard back from the county on the latest draft.

Councilor Leighan asked about a previous draft and Councilor Pedersen asked if the City Council could discuss this Monday night.

Mayor Weiser said yes and City Attorney Weed agreed there are some changes that can be made. City Administrator Garner suggested it be included under Legal Business Monday night.

Mayor Weiser explained he would like authorization to sign the document at this point.

Councilor Pedersen said under #2, she would like to see more clout. The County often has waited until the 29th day and then reopens negotiations, she pointed out, and said she would like to see all negotiations done well ahead of time. She suggested wording such as "negotiations or discussions under paragraph 6-- to start immediately".

City Attorney Weed agreed that can be changed under #6.

Councilor Baxter asked about the 10% cap and Public Works Director Zabell explained the County has some geotechnical concerns, additional costs seem to keep coming up with borings, etc. and the cap is for anything without mutual agreement. In other words, they can go beyond the cap with mutual agreement, he said.

City Attorney Weed pointed out that the City's portion has been named at \$385,000, as the cap.

Mayor Weiser noted that the changes were agreed to at the meeting Tuesday with the County and "figuratively" the County has agreed to this document, he said.

There was discussion about why the County has changed their position, how the City has maintained their position with them, tactics, past discussions with the County.

Mayor Weiser said they have always wanted to get on with the joint planning process and with the Northwest Annexation getting out of the way, we can do that.

Councilor Pedersen noted there have been a lot of meetings, too to get to this point and she said it's her opinion it's not going to get much better than this document.

Councilor Pedersen then moved to authorize the mayor to sign the Memorandum of Understanding between the City and County regarding the 88th St. NE/Quil Ceda Creek Bridge Project, including the change under #6 (to start negotiations immediately). Councilor Myers seconded the motion.

Discussion followed and Mayor Weiser noted the map is not part of the Memorandum of Understanding but there will be one similar presented at a later date. City Attorney Weed suggested changing the name of the Memorandum of Understanding (deleting "regarding 88th St. NE/Quil Ceda Creek Bridge Project") and Councilor Pedersen amended her motion to reflect this deletion and just authorize the mayor to sign the "Memorandum of Understanding". Councilor Myers seconded.

Councilor Baxter asked about the "Joint Comp Plan area" on the map and Councilor Pedersen noted there were 3 representatives each from the City and County, one representative from the Tribe and she said she thinks it is critical we keep the representation so as to get a fair deal for all, as far as makeup of the committee is concerned.

Councilor Leighan noted the map is not referenced in the Memorandum of Understanding but Councilor Pedersen said the next phase of negotiations will reference a map and include one as part of the agreement.

Councilor Baxter mentioned the lack of negotiations with Arlington and he asked about how much say Marysville is going to have regarding the boundaries--annexation and planning.

Councilor Myers said it looks like the boundaries are going to be put on hold until after 7/1/93.

Councilor Baxter said he agrees it's important to have the right people on the committee because the boundaries will have the most effect on Marysville.

Councilor Pedersen asked when the joint planning will need to be done, negotiations, etc. and Mayor Weiser said within the next 30 days the committee will need to be set up.

Councilor Baxter said he has a problem with what happens with the utilities in the meantime. He noted Marysville has to decide what happens in the areas of utilities.

City Attorney Weed pointed out there is a neutral hearings board set up as a safeguard, and King County has already appealed to it. He said in areas that are within the UGA, the Dept. of Community Development has guidelines and City policies need to be put in place.

Councilor Pedersen asked Councilor Baxter if he would rather see the Memorandum of Understanding not signed by the Mayor at this point and Councilor Baxter responded that parts of it he doesn't feel should be signed off. He pointed out that Marysville has put all the utilities in the ground and have the most to lose; we have a large investment and the others making decisions (the committee) have not made any investment, he pointed out.

Mayor Weiser said in 1982 there was a joint planning process as far as the land use is concerned and Councilor Baxter said these things were originally planned and happened in the early 1960s, actually.

Mayor Weiser pointed out that the infrastructure was put in the ground, based on things that were agreed to in the '60s.

Councilor Baxter argued that his concern is with the people coming in now, changing what was planned 20 years ago.

Councilor Leighan asked if the Memorandum of Understanding makes Marysville give up its rights as far as utilities and Councilor Baxter said he felt that is possible. He said our service area is different from the map that was shown and he added that he is sure the county is banking on Marysville serving unincorporated areas, for example, Smokey Point, which would not exist today without Marysville utilities, he said.

Mayor Weiser pointed out that if it's outside of the urban growth line Marysville won't be serving utilities when it's only 1 du/10 acres; that's not economically feasible.

Councilor Wright noted the Memorandum of Understanding does not lock us in for the service area, for example and Councilor Baxter said he realized that.

Councilor Leighan noted that Snohomish County Tomorrow had a different committee makeup and he said he thinks the 3-3-1 referred to earlier is a better mix.

There was discussion about who would/could serve on the Joint Planning Committee--elected officials, appointed officials, citizens.

Councilor Pedersen talked again about the importance of making sure these people are aware of the City's needs and intent.

Councilor Baxter said he did have some concern about the wording and how it will be interpreted down the road from now.

City Attorney Weed said in a sense, this is merely an agreement to agree.

A roll call vote was taken with all Councilmembers in favor of the motion to authorize the Mayor to sign the Memorandum of Understanding. Passed unanimously.

ADJOURNMENT: 4:47 p.m.

Accepted this 12th day of October, 1992.

David Weiser
MAYOR

May P. Swenson
CITY CLERK

Wanda A. Swenson
RECORDING SECRETARY

MEMORANDUM OF UNDERSTANDING

00130

DRAFT

REGARDING 88TH STREET N.E./QUIL CEDA CREEK
BRIDGE PROJECT

WHEREAS, the purpose of this memorandum is to confirm the understanding of the City of Marysville and Snohomish County concerning resolution of issues relating to the Northwest Annexation which was approved by the Boundary Review Board under file No. 9-92 on September 16, 1992, and

WHEREAS, it is not possible to finalize an interlocal agreement for the 88th Street N.E./Quil Ceda Creek Bridge Project prior to the expiration of the appeal period on the Northwest Annexation, Boundary Review Board file No. 9-92;

NOW, THEREFORE, it is mutually agreed as follows:


1. Within 30 days of the date of this memorandum, the City and County shall execute an interlocal agreement for the sharing of costs associated with the 88th Street N.E./Quil Ceda Creek Bridge Project. The City agrees to a 50-50 cost sharing of the local match on the project, estimated to be \$700,000. Provided, unless mutually agreed by the County and the City, the City's total contribution shall not exceed \$385,000 (10% in excess of its estimated contribution).
2. Within 30 days of the date of this memorandum, the City and County shall execute an interlocal agreement for joint planning under the Growth Management Act.
3. There will be no sharing of tax revenue from the Northwest Annexation.
4. The County will repeal Ordinance 92-100.
5. The County will not appeal or join in an appeal by any other party of the Northwest Annexation decision of the Boundary Review Board under File No. 9-92.
6. The City and County agree to negotiate each of the above-referenced interlocal agreements in good faith and resolve each of the issues addressed in this memorandum in order to proceed with the planning process required under the GMA and to allow the Northwest Annexation to proceed in an orderly process.

AGREED to this ____ day of September, 1992.

SNOHOMISH COUNTY

CITY OF MARYSVILLE

Robert J. Drewel
County Executive



David A. Weiser
Mayor