

00354

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING MARCH 1, 1993

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilors Myers & Wright excused

MINUTES OF PREVIOUS MEETING: 2/22/93 Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

AUDIENCE PARTICIPATION: None

PRESENTATIONS: None

PETITIONS & COMMUNICATIONS: Dick Pedersen thank you note.

PUBLIC HEARINGS: None

CONSENT AGENDA: None

REVIEW BIDS: None

CURRENT BUSINESS:

1. Snohomish County Waste Reduction/ Recycling Matching Grant Program Agreement Extended to 6/30/93 (Cycle 2)
2. Smokey Point Church of Christ Utility Variance - Request for Extension, UV 93-004 Approved
3. Mobile, Manufactured & Factory Built Housing Planning Commission to recommend code changes

NEW BUSINESS:

1. Thomas Bradshaw, 10% Annexation Petition, PA 9302002. Approved

CURRENT BUSINESS: (Continued)

1. Discussion regarding Urban Growth Boundaries - Info. Only

ORDINANCES & RESOLUTIONS:

1. Krotke/Potter Annexation Ord. Ord. 1941 Approved
2. Fireworks Regs Amendment Ord. Needs further revision - Postponed
3. Res. re possible formation of ULID No. 16 None/Defeated
4. Res. re possible formation of LID No. 64 None/Defeated

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 10:30 p.m.

1. Real Estate
2. Personnel

RECONVENED AND ADJOURNED: 11:20 p.m.

MARYSVILLE CITY COUNCIL MINUTES

MARCH 1, 1993

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 Dave McGee  
 John Myers (excused)  
 Ken Baxter  
 Donna Wright (excused)  
 Mike Leighan  
 Otto Herman  
Administrative Staff:  
 Grant Weed, City Attorney  
 Steve Wilson, Finance Director  
 Gloria Hirashima, City Planner  
 Dave Zabell, City Administrator  
 Larry Larson, Public Works Engr.  
 Heather Earnheart, Recycling Coordinator  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above. It was noted that Councilors Myers and Wright have excused absences.

MINUTES OF PREVIOUS MEETINGS:

Councilor Pedersen questioned what the "they" referred to on page 3 under Call on Council in Councilor Wright's remarks in the 2/22 minutes. It was noted that she was referring to the Traffic Advisory Committee.

Also on page 16, it was noted that under Legal Matters #2, Jim Kresge is a retired state employee.

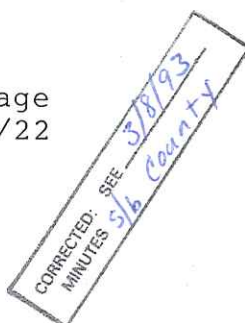
Councilor Herman moved and Councilor McGee seconded to approve the 2/22/93 City Council minutes as corrected. Passed unanimously.

STAFF BUSINESS:

Finance Director Wilson reported the City is expecting an offering on the \$3.7 million bond issue for the library on 3/17 and so a special meeting needs to be called. He suggested 6 p.m. on 3/15 at City Hall and this was agreed upon. City Administrator Zabell said he would send out a reminder memo to everyone concerned.

City Administrator Zabell reported the City has hired a Traffic Signal Technician--Ken Kloeger, who used to work for the Marysville School District, Sonitrol and the US Navy. He stated Mr. Kloeger is currently "getting up to speed" on Marysville's signals, WSDOT projects, etc. City Administrator Zabell will be out of town for the next Council meeting, he said and reported a good meeting of City staff and legislators recently, discussing growth management issues, etc.

Larry Larson, Public Works Engr., filling in for Public Works Director Winckler, reported on a couple meetings attended recently regarding the WWTF on which construction will probably begin by the end of this month. There is a bid opening on the garbage trucks at 10:45 this Thu. and repairs are nearing completion on the backup truck, by Rubatino, in the amount of \$2700, he said.



MARCH 1, 1993

Page 1

## MARYSVILLE CITY COUNCIL MINUTES

MARCH 1, 1993

Page 2

City Planner Hirashima reported the Planning Commission will be updating the TDR section of the Comp Plan next week, as directed by Council. She noted the Commission reviewed the Transpo draft plan for the next 20 years at the last Planning Commission meeting.

MAYOR'S BUSINESS:

Mayor Weiser reported on the Legislative Conference he recently attended, stating it was a bit of an eye opener for him as far as how busy the legislators are and realizing just how many issues they have to work on, especially in the area of growth management. He said he felt it was a very worthwhile session.

Mayor Weiser reported he is now on the Snohomish County Youth Gangs Task Force and their next meeting is 3/18/93.

Mayor Weiser reported the mayor of Everett has formed an ad hoc committee for those interested in becoming part of the RTA Planning Committee; tomorrow they will be discussing how much of Marysville will be involved in a regional transit plan. He said it looks like 22% will be set aside for an enhanced bus service, eg. Marysville to Boeing bus, more park and ride lots. He stated that the possibility of trains and/or light rail, he feels, is in the fairly distant future; this is a long term venture but Marysville wanted to get in on the ground floor rather than waiting and Mayor Weiser added that he would still like to see the funding be on a countywide basis but he thinks we need to continue to compare benefits vs. costs, also. Besides him, there are five other members presently on this regional transit planning committee (representing Snohomish County).

CALL ON COUNCILMEMBERS:

Councilor McGee commented on the nice bridge that joins Parkside with Jennings Nature Park. He asked about the bond rating committee and also thanked the Marysville Historical Society for dinner this evening, the annual dinner where they treat the Council.

Finance Director Wilson stated there is a bond rating committee meeting tomorrow.

Councilor Baxter reported that at 67th & Grove the lights from the driving range are still very bright; their direction could be altered slightly so that they don't blind drivers and create a visibility problem, he said.

City Planner Hirashima said she would follow up on this.

Councilor Pedersen thanked everyone for their kind thoughts and words during Dick's recent surgery. She noted that at 72nd & Grove there are no less than 13 junk vehicles, broken culvert tile, etc. and she said she would like something done about this. She asked if the City could clean it up and then put a lien on the owner's property.

City Attorney Weed said yes, however he understands that is not the entire problem and there may be other codes that would be appropriate to enforce here.

Councilor Pedersen also mentioned the SW corner at First & Columbia being another eyesore and suggested the possibility of sight obscuring fencing.

City Attorney Weed said that would have to be looked into but in the case of the first problem, a hearing could be called once a

MARYSVILLE CITY COUNCIL MINUTES  
 MARCH 1, 1993  
 Page 3

notice/abatement order to clean up the property is issued to the owner. Councilor Baxter moved and Councilor McGee seconded to authorize the City Attorney issue the abatement order. Passed unanimously.

Councilor Pedersen distributed copies of a Washington State Board of Health model resolution with regard to limiting sales of tobacco to those over 18. She read some data about teens being proven to be addicted to tobacco prior to age 18 and highlighted the need to reach teens because for example, 11% of 6th graders have tried smoking and 4% of 6th graders are regular smokers.

Councilor Herman said he would encourage adoption of this resolution at the local level. With regard to the Burlington Northern issue referred to by the Mayor, he reported BN gave a recent presentation to CT and everyone was given a train ride to Tacoma. He stated there are a number of proposals BN has to offer and they claim they can be operational/online as far as a commuter rail proposal in 18 months to 2 years: Everett to Seattle, Seattle to Tacoma, for example. He noted that it was made clear that a good origin-destination study needs to be done still to validate feasibility and the estimated capital cost is \$250 million for construction which would include upgrades to terminals, coaches/locomotives, signalization, some track improvements, with an annual operating cost of \$8 million. It's not known if this would be feasible or not but there seemed to be a lot of enthusiasm during BN's promotional tour, he said. He added that this is not going to solve our regional transit problem but it could be an effective stop gap. Something does need to be done as far as tax structure for funding a regional/high capacity transit system and the governor is still looking at a statewide gas tax, he reported and added that he would recommend that Marysville continue to stay in the planning process where they can continue to voice opinions with regard to tax structure, etc.

Mayor Weiser commented that if Amtrak/BN does put together a high speed rail line from Vancouver, WA to Vancouver, BC the rail from Everett to Marysville will need to be repaired. He added that according to the Regional Transit Agreement, if 2 out of 3 of the counties involved (Snohomish, King and Pierce) opt out, then the whole plan is dead but if 2 out of 3 opt in, all 3 are in.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

PETITIONS & COMMUNICATIONS:

Mayor Weiser read a thank you note from Dick Pedersen.

CURRENT BUSINESS:

1. Snohomish County Waste Reduction/Recycling Matching Grant Program Agreement.

Recycling Coordinator Heather Earnheart first of all reviewed the Recycling Program in Marysville, explaining there are four programs:

- Residential curbside recycling bins which are source separated
- Multi family recycling which has become state mandated recently but only 54% participate at this time
- Commercial recycling which is not mandatory
- Yard debris container program.

She talked about the recycling hotline, the hazardous material roundups, recycled office supplies procurement program and the in-house recycling program.

MARYSVILLE CITY COUNCIL MINUTES  
 MARCH 1, 1993  
 Page 4

Recycling Coordinator Earnheart summarized the projects that were funded with Cycle 2 County funding:

- Booth at Maryfest
- Compost Workshop
- Smart Shop Workshop
- Distribution of Canvas Bags
- Newsletter
- Waste Reduction Info. Distribution
- Hazardous Waste Roundups (quarterly)
- Yard Debris rate card printing
- Christmas tree chipping program in conjunction w/BSA
- Multi family waste contamination reduction program
- Radio and newspaper ads

~~She stated one of the Recycling Department's recommendations at this time would be to provide mandatory recycling waste bins at all construction projects in Marysville.~~ With regard to the county funding, she explained the first year (Cycle 1) \$50,000 was provided to set up the program (100% funded), Cycle 2 was a 75% County-25% City matching grant, Cycle 3 will be a 50-50 matching grant and Cycle 4 (final phase) will be 25% from the County and 75% from the City. The City is currently in Cycle 2, for which the county provided \$27,375 in funding and it is recommended that Cycle 2 be extended to 6/30/93 in order to complete the projects now in progress. She explained this has no affect on the City's budget, the money/funding is already in place, it's just that they need a little more time to complete current projects (which have already been paid for.) Because of the scope of work already submitted, the City can't just go out and procure merchandise, she said and added there are 2 newsletters and an insert yet to be done ~~regarding the multi family recycling program.~~ She noted there would not be enough money to extend Cycle 2 through to 12/31; (Cycle 3) would run from (Dec. 1993 to Dec. 1994) she said.

*sib July 1993 to July 1994*

Councilor Pedersen moved and Councilor McGee seconded to extend Cycle 2 to 6/30/93 as recommended by the Recycling Coordinator.

Councilor Herman asked about the budget revisions referred to and Coordinator Earnheart said those would be appropriate for the county, not the City. The motion passed unanimously.

2. Smokey Point Church of Christ Utility Variance - Request for Extension, UV 93-004.

City Planner Hirashima reviewed the agenda bill, noting this was originally approved 7/8/91 and then extended to 1/13/92 which extension then expired 1/13/93. The applicant is now requesting an additional 12 month extension, she said, for one water connection without sewer. She reviewed the findings of fact under Resolutions 1487 and 1518, as per information in the packets and stated staff is recommending the request be approved by Council.

Larry Haverstock, 19409 26th Av. NW, Stanwood, addressed the Council. He stated the actual address of the property in question is 18521 Smokey Point Blvd., across from the Stillaguamish Senior Center. He noted this is now the third time they have come before Council; the county has been responsible for a number of delays on this and the applicant is hoping this can be resolved quickly this time, he said.

Mayor Weiser asked about the reasoning for placing time limits on variances and City Attorney Weed explained the City doesn't want to have approvals of utility variances in the future--we try to set a date certain so that we can figure on when they are going

CORRECTED: MINUTES SEE 3/8/93

CORRECTED: MINUTES SEE 3/8/93

MARYSVILLE CITY COUNCIL MINUTES  
MARCH 1, 1993  
Page 5

to be used and this eliminates surprises.

City Administrator Zabell added that another fear is that if a variance is to run with the land for an indefinite period of time it could become a commodity.

Mayor Weiser noted he had a setback personally that did run with the land a few years ago and City Attorney Weed said yes, there is no time limit on setbacks but there is on utility variances.

Mayor Weiser noted that in the case of the setback, the use could change.

City Administrator Zabell said on a single connection, the time limit is 6 months, a commercial or preliminary plat connection time limit is one year which is not really reflective of the length of time it takes to process these things at the county level.

Councilor Pedersen moved to extend the variance under Resolution 1518 by 12 months with a letter to the county noting this is the third time the applicant has had to come before Council for an extension, with a copy of the letter to go to the Snohomish County Executive's Office. Councilor Herman seconded and the motion passed unanimously.

### 3. Mobile, Manufactured and Factory Built Housing.

City Planner Hirashima reviewed the agenda bill and MMC 16.40, stating the definition of a factory built home including having an attached garage, being in a permanent location, being inspected at the factory and by a local building inspector as well as meeting all requirements of the Uniform Building Code. She noted the City has only received two requests over the years but they have also received complaints from the developers regarding the process. She said six weeks ago there was a discussion by Council regarding the possibility of lifting the conditional use permit requirement and this has also been discussed in strategy sessions. She added manufactured home requirements have also been discussed in these sessions. She said there has been no change in the code since a SHB put into effect in 1988 and she is now looking for direction from Council regarding mobile, manufactured and factory built housing, which are currently not allowed in single family residential zones or on single family lots, only in mobile home parks, in commercial zones, for example.

There was discussion about manufactured homes vs. factory built homes vs. mobile homes vs. modular homes, complying with UBC making a difference, wanting some control on aesthetics (no flat roofs, eg.), ease of construction with factory built homes, new home standards are much improved, attached vs. detached garages, off street parking, fitting in with the neighborhood very important, Council recommending Planning Commission review, roof types and overhangs.

City Planner Hirashima noted Lynnwood differentiates between mobile homes, manufactured homes, factory built homes and a designated manufactured home would be one that was built after 6/15/76, complies with the state Uniform Building Code and has certain requirements with regard to roof, siding, size, construction, foundations.

Councilor Pedersen said she would like the Planning Commission to work on this. Councilor Herman said he agreed but was concerned this might interfere with their Comp Plan and TDR meetings.

## MARYSVILLE CITY COUNCIL MINUTES

MARCH 1, 1993

Page 6

After brief discussion, Councilor Pedersen moved and Councilor Baxter seconded to direct the Planning Commission to review the conditional use permit process for mobile, manufactured and factory built homes and consider amendments to the mobile home portions of the code. Passed unanimously.

NEW BUSINESS:

## 1. Thomas Bradshaw, 10% Annexation Petition, PA 9302002.

City Planner Hirashima reviewed the agenda bill, noting that 43% of the valuation area has signed the petition; there are 8 residents total. She showed the vicinity map on the overhead, noting it is located within the interim annexation area but outside RUSA and is currently zoned rural conservation/medium to high density suburban residential designation in the county.

There was discussion about the location of properties owned by the City but not actually within City limits, eg., the Sunnyside Reservoir, the county Comp Plan designation of suburban residential which allows 1 du/2.3 acres.

Tom Bradshaw, 13521 20th Pl., Bothell 98012, addressed Council and stated he went around to all the neighbors and asked about community commercial while he was at it, as well as the annexation, and there was no opposition. He stated those that didn't sign weren't at home.

Mayor Weiser mentioned that the City is going through a joint planning process with the county and noted the subject property is in an area that is under discussion currently between the City and county. He noted this particular area has always been in Marysville's Interim Annexation Area, however.

Councilor McGee moved and Councilor Baxter seconded to accept the 10% petition and establishment of an annexation area, for circulation of the 60% petition. Passed unanimously.

CURRENT BUSINESS (CONTINUED):

## 1. Discussion regarding Urban Growth Boundaries.

Maps were presented and City Planner Hirashima stated that the 3 parcels that the City went to some effort to include in the Urban Growth Boundaries have not been included as yet on the county's map but they have been included in the Interlocal Agreement with the county. The three properties are the Boyd-Robinett property on 108th, the Belmark property on 132nd and Dues Berry Farm on 152nd. She noted there have been a couple UGB references in Council discussion and the Planning Commission had an urban line designation (she referred to Exhibit 2). She explained how the population projections were derived, from OFM to PSRC to the county who is using the Vision 2020 regional projection accepted by all the cities as a model. Early projection figures are being reviewed as to comparison with other figures so far, inhouse models, land use/capacity assumptions, market feasibility, etc., however she pointed out there is no safety factor incorporated in these population/land use figures as yet. She said one of the assumptions made was there would be full conversion once the Comp Plan is adopted which they know is too aggressive an assumption to make but they have not changed the assumptions or included a safety factor for these overly broad assumptions. For example, within the county's designated UGB the population projection is 38,000 additional people, living in 16,504 dwelling units (additional), which she reiterated is too aggressive as it assumes 100% occupancy

## MARYSVILLE CITY COUNCIL MINUTES

MARCH 1, 1993

Page 7

and it should probably be more like 2/3rds conversion. She said the OFM total population forecast for Marysville is 52,709 which is compared to a current population of 32,000.

Councilor Baxter asked how many additional people the sewer lagoon can handle and City Administrator Zabell explained it's phased for 20 years with the final phase being to accommodate 12.2 mgpd which translates into a population of 100,000, he said, depending htough on the type of industries that are located in Marysville.

Councilor Baxter pointed out that the 1968 plan was projected for a population of 92,000 and we are at present only using 10-15% of our present infrastructure.

City Administrator Zabell said he thinks the 92,000 population figure in 1968 was a saturation figure and we are at 15% of the potential; at build out of the present RUSA, Trunk Line A would be at 25% of capacity, he said.

Councilor Baxter observed that we seem to be dropping back on population projections and Mayor Weiser explained this is a 20 year horizon but the pipe in the ground is planned for more than 20 years.

Discussion turned back to the safety factor to be included in the population forecasts and City Planner Hirashima stated an actual figure has not been recommended, but it should be no more than 25%.

Mayor Weiser said as he understands it, it originally had a safety factor of 50% and now it's down to zero.

Councilor Baxter said our original RUSA boundary was to be for the ultimate use of the community including the whole Lakewood triangle, for example.

Councilor Herman said he would like a good estimation of where the 52,709 population projection came from.

City Planner Hirashima explained they came from OFM to PSRC and then to the county, the county then assembled the forecast analysis zones for Marysville and Arlington, Marysville has about 4 zones, for example, based on census tracts, she said. She added that there are initial indications that Marysville's numbers might get higher because it's noted that the south counties will not be able to accommodate the populations forecasted for them, outlying areas on the other hand, could handle more than indicated.

Mayor Weiser reported that at least 3 cities--Lynnwood, Woodway, Brier and Mountlake Terrace--have actually said they would not accept the additional population and don't have the ability to serve it. We also have to figure in setbacks, property that is not going to be sold, etc., he said.

Councilor Baxter asked if buildable properties are going to be built out 100% of the density, for example.

There was discussion about ag land, subdivision of ag land, 5 acre zoning, urbanization, sensitive areas, potential dwelling unit capacity, 16,504 du at 2.3 people per household = 37,959 population, not including existing population, preliminary figures only being worked on, build out over 20 years = 70,000 total population, safety factor, what would a reasonable redevelopment rate be, assumption that in the year 2012 the City would reach a 2/3rds build out which may not be reasonable in the downtown area unless



## MARYSVILLE CITY COUNCIL MINUTES

MARCH 1, 1993

Page 8

there are some incentives provided, creating blighted slums unless positive incentives are in place, GMA has one of its objectives to provide affordable housing and some of the assumptions are to accommodate population but we need to look at other areas that would accommodate more population, eg., growth rates, redevelopment, direction to take to the GMCC, additional areas available to include in UGB, projections for 2020 for the Marysville-Arlington area.

It was noted that one of the considerations needs to be whether Marysville sees itself in the future as being an "Activity Cluster" as it is designated now or an "Employment Center" which would make a difference in population projections. Commercial and industrial figures/projections still need to be review also, City Planner Hirashima noted and she added that the EDC may be looking at Marysville as a good location for industries.

There was more discussion about encouraging higher density with a UGB for transit, affordable housing issues, to be consistent with the GMA, to preserve sensitive areas, etc. With the expansion of UGAs it was noted the result might be some areas that are not built out at higher densities and you could turn areas into real problem areas because of no incentives to develop the areas fully.

Councilor Herman reiterated the need of the City to be consistent with the GMA and to carry that out responsibly. Another discussion revolved around the apartments on Cedar which is "high density blight" but it's affordable and one way of curbing a recurrence of this type might be to have a design review board. It was pointed out that the Comp Plan recommends densities not design and the requirements of the GMA may clash with industrial cities' planning.

Councilor Baxter pointed out we have the utilities and also right now can have the luxury of not having to go to extra high density.

Councilor Herman noted that unfortunately, we may not comply with the GMA. As far as the houses on the hill, he questioned whether they are "affordable" and added he thinks there is the possibility of having more attached housing, 5000 sf lots becoming standard because of market pressures, affordability issues taking the forefront, condos and high rises becoming popular because of lower cost and convenience.

Councilor Baxter pointed out that if people wanted that kind of housing they could go to Silver Lake but Councilor Herman said in terms of convenience you have to make a choice between affordability and/or commuting long distances.

Mayor Weiser said with the old land uses and the old maps, there was a 50% safety factor, he thought, and now he sees that safety factor as having been just used up at this point and we still have a lot of unknowns not built in to the population projections, he said, such as an influx from south county.

Councilor Baxter brought up the fact that the appraised value of land, especially ag land, discourages continuing to own the land and pay taxes on it. He noted that in California they have a lot of mixed uses, people don't live in the flat land, they use that for industrial uses and Marysville could do that too: with all the people living in Marysville also working in Marysville and therefore not having a long commute.

Mayor Weiser said another factor that needs to be resolved is the definition of wetlands. He said we may have to comply with

MARCH 1, 1993

Page 8

MARYSVILLE CITY COUNCIL MEETING  
MARCH 1, 1993  
Page 9

another definition which is going to have to increase our need for more land within our UGB. He asked Council if they were comfortable with the I-5 to Highway 9 concept and the consensus was that this was basically everyone's idea of Marysville's UGA except for the ag land issue.

Councilor Baxter pointed out that he owns some ag land and as of now his land is not appropriate for ag use and he cannot even make it pay its own taxes. He added that the farmer's livelihood is slowly being taken away because of their land being deemed wetlands.

Councilor Herman said he is not sure we want to replace all the ag land with urban sprawl, either and Councilor Baxter countered that we need a good definition of productive ag land.

There was more discussion about land use, farms, pollution issues, county zoning, manure lagoons not being allowed but very necessary to the farmers, land in this area is not particularly suitable for crops, compared to other more fertile areas, some areas are too wet, urban line that the GMCC should adopt (vote was 4-1 that I-5 to Highway 9 is appropriate to be maintained).

Councilor Herman expressed concern that that action could possibly not be justified under the GMA.

ORDINANCES & RESOLUTIONS:

**1. Krotke/Potter Annexation Ordinance.**

Councilor McGee moved and Councilor Baxter seconded to approve/adopt Ordinance 1941. Passed unanimously.

**2. Fireworks Regulations Amendment Ordinance.**

It was noted this needs further revision and is postponed.

**3. Resolution regarding possible formation of ULID No. 16.**

Councilor Pedersen requested discussion of this item, noting a public hearing should be held.

City Attorney Weed stated the adoption of the resolution would set a public hearing for 3/22.

Councilor Pedersen said she felt the resolution would predispose the City as being in favor of forming the ULID before the public hearing is held and City Attorney Weed said the resolution would not irrevocably commit the Council to approve the ULID.

Councilor Herman agreed that it would seem to suggest a pre-determined outcome.

City Administrator Zabell stated the City is actually the advocate of the ULID, which would be resolution driven.

Councilor Leighan asked if this is changing it from the petition method to a resolution method and City Administrator Zabell said yes, the City did not get enough support in the petition method and in the resolution method the City is an advocate and if there is no resolution, the issues would be dead.

Councilor Herman said it seems there should be another way to accomplish the road improvement and Councilor Baxter noted this was the answer Council came up with at the last Council meeting.

MARYSVILLE CITY COUNCIL MINUTES  
MARCH 1, 1993  
Page 10

Councilor McGee asked if there is enough objection to the ULID & LID at the public hearing, if they could be stopped and City Attorney Weed said yes, they could. It was clarified that passing of the resolution would initiate the process of setting up a public hearing date, sending out public notices, information gathering, etc.

There was more discussion about having a public hearing, options other than a ULID & LID as previously presented, consistency with assessments, land use.

Councilor Baxter commented that the whole basis for the argument is that Highway 9 is a main arterial and we did not have a public hearing yet, we had a discussion.

City Attorney Weed noted that Larry Wade explained the resolution method at the last Council meeting and at the end of the discussion it was moved to have a public hearing on 3/22 and so that was the Council direction that was taken.

Councilor Baxter asked about the school district's assessment/commitment and City Planner Hirashima said she still needs to follow up on that information.

Councilor Baxter explained that it was his understanding that the Kellogg Marsh School was supposed to pay some mitigation (a substantial amount) for 67th. City Administrator Zabell said he would look into this also.

Councilor McGee moved to adopt/approve Resolution 1609 setting a public hearing 3/22/93 regarding formation of ULID 16. Councilor Baxter seconded the motion and it was defeated with a vote of 2 in favor, 3 against. Councilors McGee and Baxter were in favor; Councilors Pedersen, Leighan and Herman were against.

City Administrator Zabell stated he would send out notices that there will not be a public hearing on 3/22/93.

#### **4. Resolution regarding the possible formation of LID No. 64.**

Councilor McGee moved to adopt/approve Resolution 1610, Councilor Baxter seconded. The motion was defeated with a vote of 2 in favor, 3 against, as per #3 above.

There was discussion about Council wishing to see other options looked at, for example, a TIP, noting that property owners should not have to pay, the need to have a process that will lead to a resolution of the issue in a fair and equitable manner. There was also discussion about participation of Title 26B funds, noting that some properties may be suitable for development and so their assessments could possibly be higher than for single family dwellings. It was noted that given the large cost of this project, it's not equitable for the local homeowners to have to pay the whole burden. Another point was that possibly a latecomer fee could be assessed on properties with a greater "potential".

Councilor Pedersen stated she would like to see this on the Council Retreat agenda; she said she sees it as forcing something on the local homeowner.

City Administrator Zabell pointed out that property owners including the school district need to know what to do on the frontage improvements at this point--Harrison, Loop, Hassen, eg., would have to be piecemealed possibly, too. He added that he would like to see Cloverdale done before the original property

MARYSVILLE CITY COUNCIL MINUTES  
 MARCH 1, 1993  
 Page 11

owners completely "disappear".

Councilor Pedersen asked if the property owners would have had any flexibility in amending the assessments at a public hearing and City Attorney Weed said no, individual property owners would have to appeal them separately, that would come later in the process.

Councilor Pedersen asked if the petition and resolution methods are the only options and City Administrator Zabell explained ISTEPA and/or TIP funding requires public support, funding agencies are tight and they want to make sure there are other sources to get their ratios down so they could be involved in more projects.

City Attorney Weed noted the City has authorization to use a person under a personal services contract now to look for funding but there is no guarantee there, either.

Councilor Herman asked about a meeting with property owners to research potential funding/options and City Administrator Zabell explained the City has already had 3 or 4 meetings with the property owners, the City has increased its proportion of the assessments substantially and just can't justify a TIP as a good method to collect funds for this project.

Councilor Baxter pointed out that the problem is the county collected money and then Marysville annexed it in and City Administrator Zabell said if we go to the county for those funds previously collected, they will point out that those funds were for maintenance only, not for capital improvements.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:30 p.m.

1. Real Estate.
2. Personnel.

RECONVENE & ADJOURN: 11:20 p.m.

Accepted this 8<sup>th</sup> day of March, 1993.

David Weiser  
 MAYOR

Mary D. Jensen  
 CITY CLERK

Ganda A. Iverson  
 RECORDING SECRETARY