

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JUNE 7, 1993  
CALL TO ORDER: 7:00 p.m.  
ROLL CALL: All Present  
MINUTES OF PREVIOUS MEETING: 5/24/93 Approved  
AUDIENCE PARTICIPATION: None

00093

STAFF'S BUSINESS:MAYOR'S BUSINESS:

1. Public Health Nurses Proclamation

CALL ON COUNCILMEMBERS:PRESENTATION:

1. Recognition to Reserve Officer Deb Soren for service to the City.

PETITIONS & COMMUNICATIONS:PUBLIC HEARINGS:

1. East Ridge Annexation; PA 9302002 - Continued to 6/28/93
2. O'Brien Annexation; PA 9210050 Approved, to go to BRB

REVIEW BIDS:

None

CURRENT BUSINESS:

1. Request for ULID/LID Payment Extension/Irene Holman Approved - 1 year
2. Community Transit Review Information Only
3. Vote on City Motto "Marysville - Where Quality of Life is Our Way of Life"

NEW BUSINESS:

1. Change Public Works Engineer to City Engineer Approved - Grade XVIII

CONSENT AGENDA:

1. Renewal of (4) Liquor Licenses Approved

ORDINANCES & RESOLUTIONS:

1. Resolution Granting Conditional Use Permit for Dwayne Lane's Dodge Res. 1624 Approved
2. Resolution Granting Utility Var. for Tregoning Property, Arlington Res. 1625 Approved
3. Resolution Requesting Review by Sno-Isle Regional Library Board of Policies relating to access by children to certain literary mtls. Res. 1626 Approved
4. Resolution Denying Without Prej. Utility Variance for L. Romo Res. 1627 Approved
5. Resolution Denying Without Prej. Utility Variance for J. Mulligan Res. 1628 Approved

LEGAL MATTERS:

None

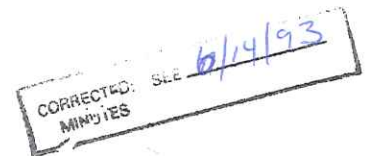
ADJOURNMENT INTO EXECUTIVE SESSION:

10:53 p.m.

1. Personnel
2. Litigation
3. Real Estate

RECONVENED AND ADJOURNED:

12:05 a.m. 6/8/93



MARYSVILLE CITY COUNCIL MINUTES

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7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor (7:15 p.m.)  
Councilmembers:  
 Donna Pedersen, Mayor Pro Tem  
 Dave McGee  
 John Myers  
 Ken Baxter  
 Donna Wright  
 Mike Leighan  
 Otto Herman  
Administrative Staff:  
 Grant Weed, City Attorney  
 Dave Zabell, City Administrator  
 Steve Wilson, Finance Director  
 Walt McKinney, Asst. Police Chief  
 Ken Winckler, Public Works Director  
 Gloria Hirashima, City Planner  
 Sue Jensen, Court Administrator  
 Cindy Lyons, Managing City Librarian  
 Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Pro Tem Pedersen called the meeting to order at 7:00 p.m. and requested Councilor Baxter to lead the flag salute.

ROLL CALL:

Finance Director Wilson called the roll with all members present/absent as indicated above. (Mayor Pro Tem Pedersen explained that Mayor Weiser would be arriving within the half hour.) Mayor Pro Tem Pedersen reminded everyone to speak directly into their microphones so they can be picked up by the tape recorder.

MINUTES OF PREVIOUS MEETING:

Councilor Herman noted in the minutes of the 5/24/93 City Council minutes, page 5, first sentence of the page, the word "legal" should be added after "available" and before "resources". There is an additional line, not pertinent to these minutes, in the third paragraph that he asked be deleted and on page 7, in the second to last paragraph, he asked that it be clarified that the Masonic Lodge signs were installed at the expense of the organization, as per the Marysville Municipal Code.

There being no further corrections, Councilor Herman moved and Councilor McGee seconded to approve the minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None

STAFF BUSINESS:

City Administrator Zabell announced Lloyd Taubeneck, after 42 years with the City, has now retired. He is presently on vacation which was accrued and is part of his retirement. His last day at work was about a week ago. City Administrator Zabell stated there will be a daytime recognition for City service for Lloyd as well as Norma Walters who is retiring and moving to Ocean Shores. He reminded Council of a Regional Transit hearing June 10 in the Henry Jackson Room, Everett. He also stated the State has announced the City will be getting approximately \$25,000 for their 1992 proportion of state sales tax and he reminded Council of tomorrow evening's joint Planning Commission/City Council workshop in the Public Safety Center, to discuss the interim annexation area surrounding Marysville.

Finally, he reported on a visit he, the Mayor and Jim Ballew made to Mrs. Baumgardner's class at Kellogg Marsh Elementary. The children presented the City with \$500 to go toward reestablishing the Petting Zoo at Jennings Park.

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City Attorney Weed explained 3 bills that have just been passed by the Legislature: One that makes Malicious Harassment a Class C Felony, one that increases the penalty for failing to appear for a traffic infraction (where a person's driver's license can be suspended also) and the third bill (HB 1183) has to do with Youth Drinking in Public. He said the third one will be discussed further with the police dept. and their comments brought back before Council in the near future. He also announced a 6/18/93 GMA workshop sponsored by the Dept. of Community Development in Seattle.

City Planner Hirashima reported the second informational meeting for builders will be tomorrow at 4 PM in the Planning & Building Dept.

Public Works Director Winckler gave an update on the Wastewater Treatment Facility Project.

Mayor Weiser arrived at 7:15 PM.

CALL ON COUNCILMEMBERS:

Councilor McGee asked about work being done at 83rd & 528 and Public Works Director Winckler stated it has to do with the 83rd Transmission Project.

Councilor McGee said it was nice to see the MPD bike patrol in action, as well as the strawberries being painted on State in preparation for the Strawberry Festival.

Councilor Myers asked about a problem on Cedar near Weiser Cedar Sales and Public Works Director Winckler stated he believed it was repair to a fire hydrant a vehicle had hit.

Councilor Myer asked about signage as you get off I-5 and turn right onto 4th. He suggested a sign indicating a driver need not stop if they are turning right and Public Works Director Winckler said he would check with DOT on this.

Councilor Baxter mentioned the problem that occurred last Friday with traffic congestion in the south end: the bridge/highway was closed to traffic because of a problem with the draw bridge, there were two accidents and the City crew was painting strawberries on State.

Councilor Pedersen noted that she had reviewed/listened to all the tapes of the 5/24/93 meeting so that she would be eligible to vote on particular issues this evening. She also noted the Fire Board meeting and Sno-Isle Regional Library public hearing are both at the same time on 6/16 and suggested the Fire Board meeting being moved up to 4 PM, if possible. She asked the City Planner about two compliance issues (93-006 and 93-007).

City Planner Hirashima said she had just sent a letter out today and it looks like the compliance issues will be resolved soon.

Councilor Pedersen stated she is having some difficulty with the way the winner of the motto contest is to be selected. She noted there has been audience and public participation throughout the process and doesn't feel the final selection should be made by "secret ballot."

Councilor Wright followed up on a <sup>s/b single family residence</sup> ~~business~~ on Cedar for which there was a compliance complaint and City Planner Hirashima stated a site investigation was done and the cars (an unusually high number of vehicles are on or surround the property)--the cars all seem to be operational and therefore there is compliance with MMC.

Councilor Wright commended the DARE program on another successful DARE graduation this year.



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Councilor Herman echoed Councilor Wright's comments about the DARE graduation and noted he had received one more call in favor of Motto #5. He asked if there had been any additional input from the county regarding the park acquisition north of City limits.

Mayor Weiser stated the City has made inquiry to Snohomish County Parks and they are to let us know what is happening with the Turk/Belmark property.

Councilor Herman said he would like to have the county give a presentation regarding this issue, if possible. Regarding the Regional Transit issue, he said a letter was received by the City, however he believed this was to go only to those cities wishing to participate in the RTA, but the letter does outline some issues the City might want to consider at a later date, he said.

Mayor Weiser said he would check on this further.

Councilor Baxter asked if Public Works Director Winckler and/or City Administrator Zabell would be attending the Water Coordination Utility Committee Meeting Wednesday at 9 AM.

MAYOR'S BUSINESS:

Mayor Weiser also commented on the DARE graduation, Mrs. Baumgardner's 2nd grade class at Kellogg Marsh donating \$500 to the Petting Zoo and an invitation from the school district for the introduction of the 5 superintendent candidates Thursday at 6 PM.

He read a Proclamation naming 1993 as the 100th anniversary of Public Health Nursing.

PRESENTATION:

Mayor Weiser read the many accomplishments of Reserve Police Officer Deb Soren since she joined the MPD in 1979 and then presented her with a plaque. Several members of the Marysville Police Dept. were in attendance to join in applauding Officer Soren's efforts over the years, including one occasion when she was instrumental in assisting Officer McKinney with a violent prisoner. She also was credited with the apprehension of the driver of a vehicle attempting to escape the police.

PUBLIC HEARINGS:**1. East Ridge Annexation; PA 9302002 continued from 5/24/93.**

Mayor Weiser noted the public testimony portion of the previous public hearing had been closed and City Attorney Weed said it would have to be readvertised in order to take any additional testimony. He noted the requirements are two weeks' notice, i.e. if more public testimony is to be taken, this hearing would have to be held again 6/28/93.

Councilor Myers said he feels with the additional people signed up to speak, the public hearing should be re-opened 6/28/93 and he so moved. It was made clear the purpose would be to accept additional public testimony. Councilor Herman seconded the motion.

Councilor Pedersen said she read the minutes and listened to the tapes and agrees that additional testimony should be allowed even though there may be some need to bring this to a closed. She asked about an indication from those who wish to speak.

Messrs. Dibble and Bradshaw both indicated that 6/28/93 would be fine with them.

The motion passed with Councilor McGee against.

Councilor Pedersen asked for a map that shows where this annexation adjoins City limits.

2. O'Brien Annexation Public Hearing; PA 9210050.

City Attorney Weed swore in those wishing to testify in this matter.

City Planner Hirashima reviewed the agenda bill, noting this annexation was previously denied because it would create an island but this is a different proponent with the property to the south also participating in the annexation which would eliminate the island, she explained. She added that no formal comment came in from the county, however they would restrict development on environmentally sensitive areas.

Councilor Herman asked about fire districts 12 and 8 and City Planner Hirashima stated the proposed annexation would all go into Fire District 12.

Councilor Pedersen asked if Marysville's sensitive areas ordinance would handle the county concerns and City Planner Hirashima said yes, it would. She also handed out copies of a letter from the Bosas regarding their signing the original non-protest agreement under duress.

City Administrator Zabell explained there is a 14" water line that runs along the westerly boundary (71st Avenue) of the proposed annexation.

Councilor Herman asked about this being within the interim annexation area and City Planner Hirashima said it would be.

Mayor Weiser opened the public hearing.

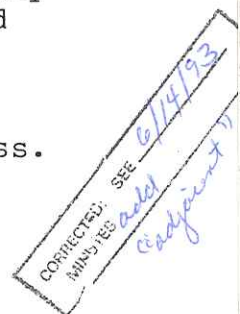
Lisa Warren, 5103 75th Av. NE, addressed Council. She stated they have 2.5 acres to the south of the proposed annexation and would like a postponement or continuation of this hearing due to the lack of public notice. She stated she heard about tonight's hearing through her child's caregiver and feels there are a lot more people who wish to participate in the public hearing process.

Mayor Weiser asked about posting requirements and City Attorney Weed stated there is no requirement to send out notices to property owners on an annexation public hearing.

Mrs. Warren stated they saw no notices on the subject property, either and added they feel they will be affected considerably by this annexation. She said their property is at the sound end of the panhandle. (She showed Council on the map where she lives.) She went on to say that as a result of the annexation and opening up of 79th, this will greatly affect the DWFA biological preserve through increased traffic which will also affect birds, wildlife, wild flowers, etc.

Mayor Weiser explained the property annexed would remain at the same land use as it is now but Mrs. Warren pointed out everyone in that area has a large lot or else unoccupied lot at present and it was indicated on the Brighton Park Annexation, for example, that 52nd would not be impacted and it is, in fact, very impacted now with real estate signs and a lot of growth. So that is the fear in this case, also.

Mayor Weiser explained the City has substantially met state law with regard to the notice requirement but Mrs. Warren argued that the Warrens had been notified in the past about other proposed annexations as well as there being signs on the property. She reiterated that they accidentally found out about this through their child's caregiver.



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City Planner Hirashima stated she believed there were at least 4 signs put up on the property, ~~along 528.~~

Tom Rhinevault (proponent) addressed Council and stated the property was posted in two places on 67th, one sign was put on the south boundary and one on the west, all right in public view.

Councilor Pedersen stated she would like to hear further public testimony tonight, prior to making any decision.

Mrs. Warren continued that they feel growth in Marysville is not being managed and she cited the sewer problems, traffic impacts, growth on the hillside in the last 5-1/2 years, threatening the environmentally sensitive areas and the biological preserve.

Catherine O'Brien, 1832 Mukilteo Blvd., addressed the Council, stating she moved to Marysville in 1946 and at that time there were only three houses from 64th to 67th but it seems very natural for Marysville to grow, with a natural development from rural to urban. She also mentioned the fact the annexation will eliminate the creation of an island.

Joseph Breilling, 7508 64th St. NE, addressed Council, noting that the elected officials are not here to guarantee Mrs. O'Brien return on her investment. He stated there are no sewers, there are environmentally sensitive areas, standing water, steep grades, and the stage after annexation is usually high density housing. He pointed out it's already very difficult to get out of the homes on to 64th and he said he thinks the City should be making improvements first before allowing more people to move in. He noted there are wider parts in the road on 64th (improved sections) however 67th needs to be improved because it is too narrow. He gave as an example the Lake Forest Annexation and he said the last time the O'Brien annexation petition came around the neighborhood, it was only signed by about 30% and he additionally doesn't believe the covenants should count. He said in the Lake Forest Park Annexation hearing, it was noted there is no annexation by covenant. Bosa's property, for example, is not bordered by the City at all, he said; they had to have water and then had to sign a covenant and he said he would like to see this addressed by the City Attorney as to the legality of the covenants. He pointed out there is half a million dollars in value represented by covenants and "non-protest" means neither for or against an annexation. He stated Lisa Warren mentioned not being notified and the Breillings also have not received notification. He explained how he went to the Planning Dept. and gave them the proper address with regard to the Lake Forest Annexation but to date still has not received anything from the Planning Dept. and in addition, stated he felt the O'Brien Annexation was poorly posted.

Councilor Herman asked about the Bosa property being contiguous to the City; whether the NW corner of the Bosa property touching the City constitutes "contiguous". He also asked about the non-protest covenants' intent, whether the intent is affirmative.

City Attorney Weed said yes, the non-protest covenant signatures are interpreted as the owners being in favor of a subsequent annexation: it's more than just "not protesting," he said and with regard to "contiguous" the fact there is physical touching as well as the signed covenant would make the Bosa property eligible to be included in the annexation, he said. The intent with regard to the wording of the annexation covenant is certainly more than one layer deep and there has been a ruling that covenants are binding when signed for the reason of receiving city utilities, he added.

Councilor Herman asked about the language of the covenants and City Attorney Weed said there has been a consistency in interpretation and enforcement of the covenants, although there is some room for different interpretations.

CORRECTED: SEE 6/14/93  
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Mr. Breilling said he thinks to arbitrarily make these covenants in favor of an annexation is not the right thing to do and one problem he has with the annexation is that he intends to keep his livestock, he won't be gaining any additional services and sees no value added.

Councilor Pedersen asked about the status of the traffic light to be put in at 64th & 67th and City Administrator Zabell stated we are awaiting WSDOT approval, it could be up to 2 years like the light at 47th & 528, but that two years is from the time the process was started.

Mr. Breilling reiterated that he really thinks improvements to roads, etc. should be made prior to development.

Mayor Weiser pointed out that this area would be annexed in at the same density, land use, etc. and there is no ordinance which precludes livestock, that would be allowed.

Mr. Breilling said there are only 13 or 14 homes up there now and he feels the City ordinance is kind of restrictive.

Councilor Leighan said with regard to improvements on 67th, the people along 67th didn't want to contribute \$300,00 as compared to the City's contribution of \$600,000 toward improvements, so it didn't get done.

Councilor Baxter asked about utilities and Mr. Breilling said he doesn't have City utilities but he understands the problems with the wells. Also, the City has a main and easement that runs thru his property (he has 2 acres) and in order to bring water to his property, it would cost a considerable amount.

Lawrence Bosa, 7522 64th St. NE, addressed Council and stated his biggest concern is the method of annexation and the covenant they signed. He said he is really opposed to annexation in this area because it's very rural and they enjoy the animals, the trees, etc. He said he sees the hillside now looking like it's been raped. The old covenant they signed has since had the wording changed, he pointed out and if you took all the covenants off, you would not have enough people in favor of the annexation. He added it cost them a lot to bring a water line in and they shared it with their neighbors. They had to bring it in because the water is undrinkable and they had to have water, he said and he added that he agrees there weren't enough postings. As far as signing the covenant, they feel they were forced to sign; without City water they would have been forced to drill a well.

Councilors Baxter and Wright asked him further about the covenant and enjoying City water.

Mr. Bosa explained they already had the water put in and then they had to sign the covenant, otherwise they might not have signed, he said.

Councilor Herman expressed his concern about the concern people are having regarding land use and asked what the City could do to alleviate these concerns.

Mr. Bosa stated he wants to put livestock on his land in the future and is not sure what's going to happen with the City ordinance; they have no objection to how they are being served by the county at this time. He submitted a letter from a neighbor that could not attend tonight's hearing, Mrs. Elizabeth Martin, to the Mayor at this time.

Hank Wade, 7624 64th St. NE, addressed Council. He stated he also signed a covenant for the water although he is not hooked up yet. He said he is the last stop before Munson Creek goes under I-5, there is a pond in the back and they enjoy the wildlife--the heron,

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mallards, raccoons, bluejays, etc. He said he would like to keep the greenbelt around his home and they know with the annexation, it's going to be developed and they don't want to see the same disaster the City had last year with a plugged culvert. He added that Munson Creek goes into Allen Creek and we need to protect that for the future from erosion, pollution, etc. He pointed out he only has about 3 or 4 inches of topsoil on his property.

Councilor Wright asked why he signed the covenant and Mr. Wade said he just did it for the water in case he sold the house, plus he paid \$4,000. He pointed out that a covenant should work two ways and the City should have given him the hookup in return for the easement he gave them.

There was brief discussion about why the Wade property was not used in calculating the value of the annexation covenants, it is on the "not signed" list.

Tom Rhinevault, representing the O'Briens, P. O. Box 605, Everett, addressed Council. He stated the O'Briens have an investment and seeking a return on their investment is not a crime. He said he personally posted the property in four locations: 2 on 64th, one on the south side on 75th St. and one on 67th. He noted 70% of the land area has signed in favor of the annexation, so a lot of property owners would like to annex and obtain City services. He also noted that Breilling and Bosa have high property values as a result of having City water. He said in speaking with Mrs. Bear (\$145,000 assessed value) she indicated that City water is needed also and she and her neighbor both had bad water and the neighbor signed the covenant under protest. He added that annexation would not change land density and would actually improve the area with water and sewer.

Dennis Rousu, 7415 61st Pl. NE, addressed Council, noting his property was signed for by a previous homeowner and he is against the annexation. They have deer and other wildlife/habitat and he said he sees what the development in other areas has done, on the other side of the hill. He said he unfortunately inherited this agreement which he did not sign and he is against the annexation.

Councilor Wright asked if he would have bought the property without City water and Mr. Rousu said he didn't know if he would or not.

Robert Jealouse, 7120 61st Pl. NE, addressed Council, stating he has much of the same objections as the others--destroying rural environment, traffic congestion on 67th (narrow), the very dangerous intersection at 67th & 64th. He said he is very concerned about the traffic safety issue, that he just about got into an accident at 67th & 64th himself today.

Leland Clark, c/o 7807 44th Av. NE, addressed Council, stating his property is right on the corner and he is against annexation even though he will make money with the annexation. He said he doesn't think this is the time to annex it in yet and added it takes at least 5 minutes to get out onto 64th from a driveway on 64th. He said with regard to the signs, the City should put maps on them to give people a better idea of the location the notice is referring to.

City Planner Hirashima said the City does make it a practice to put a map on the notices.

Mr. Clark said he saw no map on the O'Brien Annexation notice he saw at 79th & 44th.

After discussion about location of Mr. Clark's property, it was realized his property is not within the proposed annexation area.



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Patricia Bear, 7528 64th NE, addressed Council and stated she said nothing about not being able to use her property without City water, that Mr. Rhinevault had put words in her mouth.

Catherine O'Brien addressed Council again. She said she lived on that property over 30 years, she drilled a well in '85 and her water was fine. She is interested in justice and development and is selling because of her age at this time, not just as a return on her investment, she said.

Mr. Breilling addressed Council again, stating the water quality in that area is bad--it's OK with treatment but it's got a high content of manganese and it discolors your clothes and appliances and smells of sulfur. He said he had to make a decision about an expensive filtration system. He asked about water services Marysville is providing to Warm Beach and Island Crossing and whether those people had to sign covenants.

Mayor Weiser explained that everyone is required to sign a non-protest agreement/covenant when hooked up to City utilities, if they are not within City limits.

Mr. Breilling asked if a covenant is a binding agreement if only one party, eg. the husband or the wife signs.

City Attorney Weed said yes, it would still be binding and in fact, some types of agreement only require one party to the marital community.

There being no one further in the audience wishing to address Council, the Mayor closed the public testimony portion of the public hearing at 9:07 PM.

Councilor McGee questioned if enough posting/notification was given.

Councilor Pedersen said she would like to see the public testimony portion remain open so Council doesn't have to go through what they just went through with the East Ridge Annexation.

Mayor Weiser said the public testimony portion can be reopened, if necessary, and can be taken care of with the motion, if it's continued.

Councilor Herman asked about instructions for posting signs and City Planner Hirashima said the City provides some direction, generally providing information regarding the corners of the property, they provide bright orange signs and sometimes it's more appropriate to post on the road vs on the property. She said in this case, there may have been more appropriate places to post, however the City is only required to post two signs and on this there were 4 posted. She said they do only mail notices to property owners within the proposed annexation.

There was discussion concerning continuation and whether or not Elizabeth Martin's letter should be read into the record, length of continuance, statutory requirements having been met (two conspicuous notices), continuing the public hearing to a date specific so as to receive more public testimony.

Councilor Herman said it appeared a one week continuance would probably be adequate and he so moved to continue this public hearing to 6/14/93. Councilor Pedersen seconded the motion.

There was more discussion about public input, notice requirements having been exceeded, continuance of hearing to accommodate citizen requests, possible inconsistencies in the past with regard to annexations in that same area, eg. Lisa Warren, covenants being challenged.

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A roll call vote was taken and the motion to continue failed 5-2, with Councilors Herman and Pedersens the two in favor.

Mayor Weiser commented on what the Boundary Review Board looks for and this annexation is an attempt to eliminate an island; also we have an opportunity here for the City to square off boundaries and he said he feels this is a very legitimate use of the non-protest agreements. He added he is sure there are some cases where there is an exception, but for the most part, the covenants are legal.

It was then agreed that the Mayor should read the letter from Elizabeth Martin, 7223 61st Pl. NE, into the record, which he did. Her letter expressed opposition to the annexation and stated she does not believe in the City waiting until growth comes in before making infrastructure improvements. She talked about their breeding farm and wanting her area to remain rural. She stated a title search did not reveal any non-protest agreement/covenant had been signed by them or any previous owner of their property and she said Marysville maybe selling itself short if it's accepting these annexations just so some developer can obtain utilities and an easier permitting process than in the county.

Councilor Herman asked about the grandfathering in of farms, etc. when annexed and City Planner Hirashima explained the City does allow livestock and fowl within City limits but buildings need to be 100' from other structures and 50' from the property line. She added there is a misconception about this; on a commercial scale, it would be a legal non-conforming use to operate a farm, with some restrictions. She noted the Planning Commission will be proposing a "small farms" designation in the updated Comp Plan.

Councilor Herman asked about density and City Planner Hirashima stated it would come in at 3-5 du/ac.

Councilor Herman asked about the probability of a rezone and Councilor Wright noted there is some rural conservation zoning in the proposed annexation.

City Planner Hirashima stated the zoning would remain the same as long as the owner wants that designation and O'Briens are not proposing a rezone.

Councilor McGee asked if the covenants in the City Attorney's opinion are legal and binding and City Attorney Weed said yes.

Councilor Pedersen stated she tries to base her decisions on the information available and sympathizes with concerns presented, however the petition meets or exceeds requirements and the covenants are valid so she will be supporting the annexation.

Councilor McGee said he believes the quality of life of all the people in and out of the annexation will be enhanced. He then moved to approve the annexation subject to the City's bonded indebtedness and adoption of the interim comp plan designation of suburban 1-4 du/ac (current designation). Councilor Baxter seconded the motion.

City Planner Hirashima noted the proposed designation is 3-5 du/ac.

Councilor Herman clarified that the annexation would not change existing zoning but would be transferred to the City zoning once the Comp Plan is completed and City Planner Hirashima confirmed this.

Councilor Herman noted this annexation would eliminate an island, would square off boundaries but there is still the problem of resistance from current homeowners and he said he would urge the City to readdress the livestock issue and the way this type of property is viewed.

A roll call vote revealed Councilors Herman and Leighan against acceptance of the proposed annexation. The motion passed 5-2.

CURRENT BUSINESS:

**1. Request for U.L.I.D./L.I.D. Payment Extension/Irene Holman.**

City Attorney Weed reviewed the agenda bill, noting this is the second extension request and he said he recommended Council hear from the applicant and/or her attorney. Her stated two options Council has are to commence foreclosure proceedings or to grant a one year extension.

Councilor Pedersen referred to the second page of Mrs. Holman's letter regarding property acquisition and City Attorney Weed stated property acquisition would need to be done with full disclosure to Mrs. Holman; she is marketing the property to the City as well as others. He added that property acquisition as well as pending litigation are appropriate subjects for Executive Session.

Bruce Bell, attorney for Mrs. Holman, 13313 Kenwanda Dr., Snohomish, addressed Council. He stated Mrs. Holman has been a resident of Marysville for 60 years, the property has been in her family since 1905 and an unfortunate set of circumstances have forced this situation, some issues have been resolved over the last year however, they would like an additional year extension. He said due to negotiations taking more time and delay than expected, Centex was to bring the assessments current, however they have backed out. He added they have strong hopes for the property, are not asking for waiving of the payments, they are just asking for a further one year extension. He stated this is consistent with previous requests.

City Attorney Weed asked if Mrs. Holman would be willing to waive estoppel defense under the statute for foreclosure, if that were proceeded with and Mr. Bell stated he could not make a commitment in that regard as the statute of limitations is not in effect as yet.

Councilor Baxter asked for clarification of the parcel numbers and City Administrator Zabell did that, noting the LID & ULID parcels differ.

Mr. Bell noted the surrounding properties: a school, Kellogg Meadows, Centex and another plat and he noted that market values have significantly been reduced because of the sewer moratorium, road LID and the amount of benefit from the LID has changed significantly since the original payments became due. It was noted the entire indebtedness at this time is about \$125,000 and Mr. Bell stated this appears unjust at this time and they are attempting to find a resolution.

Councilor Pedersen clarified that interest would continue to accrue over the period of extension and City Attorney Weed confirmed this.

Councilor Herman asked about a negative impact an extension might have on other participants of the LID.

City Attorney Weed stated if Mrs. Holman's total indebtedness is paid there would be no impact, however there is a statute that allows for foreclosure once the debt is in arrears two years. He added he is not against an extension if the City doesn't waive any rights.

Councilor Herman asked if this should be discussed in Executive Session and City Attorney Weed said not necessarily. Councilor Leighan asked about interest payments and Finance Director Wilson they would be made up by participants and/or the utility.

Councilor Baxter moved to grant a one year extension to 5/14/94 with an agreement written between the two attorneys to their satisfaction and approved by City Council at a later date, also subject to the non-waiver of rights by the City, as mentioned by the City Attorney. Seconded by Councilor Wright.

Councilor Herman asked if this is an indefinite extension and Councilor Baxter said no, it is intended just as a one year extension. City Attorney Weed clarified that it is subject to the City not waiving its rights.

The motion passed unanimously.

## 2. Community Transit Review.

Kathy Johnston and Tim Brecke handed out a map of proposed route changes. Ms. Johnston noted this is an attempt to meet increasing need with no increase in available funding. Out of the three routes in question, it was noted the modification is to make two of those route more cost effective (decrease service) and increase service to once every half hour for the route between Arlington and Everett which is more heavily used. She stated this information and modification is as a result of two recent public hearings and customer requests. CT is trying to accommodate the current ridership in having stops at 100th (Fred Meyer), the Wishing Well Apartments, Public Safety Building, Everett Clinic and 2nd St. in Marysville, she stated. She stated there is another meeting this Thursday and CT will probably propose these changes for September at that meeting.

Councilor Pedersen asked about the 4th & State transfer and Ms. Johnston clarified that the buses make inlane bus stops only at 4th & State and do not hold over. She added they are pretty restricted to lane use and need to keep to main streets to accommodate the ridership.

Councilor Baxter pointed out that when buses stop on State, they block traffic and Ms. Johnston said she was open to any suggestions Council or the public might have, because she realizes this is a problem for drivers to be stuck behind a bus a lot of times in traffic.

Councilor Pedersen asked for the Public Works Director's recommendations and Public Works Director Winckler stated he would like to see 4th changed to 2nd and asked about turnarounds and transfers.

Ms. Johnston explained the different routes and stops, noting the busiest one does not turnaround in Marysville, but goes through to Everett.

Councilor Baxter asked about the possibility of CT having a bus stop in the Marysville Mall and Mr. Brecke stated safety regs preclude CT from stopping in the mall. He pointed out they are not laying over on State, that State is a very productive route, about 26 boardings per hour.

Councilor Pedersen pointed out that 4th & State is the busiest and most congested intersection in Marysville, however and she said she was just suggesting moving that one stop one block over.

Ms. Johnston assured Council CT can work with the City on that, but they do need to make sure any stop is ADA compliant, eg. an 8' pad minimum.

Public Works Director Winckler asked about the possibility of 2nd & State and Ms. Johnston said she sees no problem with that and will suggest that at the upcoming meeting. She stated they did not get a copy of Mr. Winckler's recommendations but did get a copy of the Sno-Isle Regional Library request for the new library.

CONNECTED.  
MINUTES SEE 6/14/93

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It was pointed out that State is under state jurisdiction but Ms. Johnston stated they always confer with the local jurisdiction and she said she would be talking with Mr. Winckler further.

Mayor Weiser noted it would be really helpful if the new library is on a bus route because that was one of the considerations when choosing the new library location, that it was on a bus route.

Ms. Johnston assured Council that there's a lot of interest in that and CT will keep an eye on it.

Councilor Herman said he understands there's a pullout planned at the library and Councilor Baxter said maybe we should consider a pullout at Comeford Park, too.

Mayor Weiser pointed out that sometimes pullouts are put in and then that part of the route is abandoned, but Ms. Johnston explained you will always have service on State. She noted other considerations CT has to make are headway time, pedestrians having to cross a street, making the route productive.

Councilor Wright asked about a stop at 44th (Everett Clinic) and Ms. Johnston said that one is used extensively, as is the one on 2nd (Madeleine Villa) and the one at the Wishing Well Apartments.

Councilor Baxter commented on the concern about CT using the larger buses vs their commuter buses, noting that Marysville has streets designed for large trucks, eg. 76th, so they could accommodate a larger bus.

Public Works Director Winckler commented that the City would prefer CT not use 8th and Ms. Johnston said CT will work together with the City on fine tuning the routes to the City's satisfaction.

### 3. City Council Vote on City Motto.

Councilor Pedersen restated her concern about the public needing to get involved in the whole process here, rather than just at the beginning of the process.

Councilor Herman said "secret" was a poor choice of words and added the methodology was also flawed with regard to open meeting considerations.

There was discussion about the future use of the motto, for signs at the entrance to the City, on letterhead, etc., noting it is to reflect the atmosphere of the City and to promote the City's image. Councilor Herman said the plan was to make a presentation to the winner on 6/14/93.

Councilor Pedersen said she thinks the committee did a good job, especially in getting the public to participate, however she has a concern about not giving the public participation in the final choice.

It was noted that several of the Councilmembers did receive phone calls giving their preference of motto and the public tally was:

- |   |    |
|---|----|
| 1. Marysville - Yesterday's Courage, Tomorrow's Dreams        | 5  |
| 2. Marysville - Where Quality of Life is Our Way of Life      | 10 |
| 3. Marysville - A Down Home Hometown                          | 2  |
| 4. Marysville - A Community Working Together for the Future   | 3  |
| 5. Marysville - Where Modern Living Blends with Country Charm | 10 |

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A roll call vote revealed the following tally from Councilmembers:

Councilor Herman - Motto #5  
 Councilor Leighan - Motto #5  
 Councilor Wright - Motto #2  
 Councilor Pedersen - Motto #2  
 Councilor Baxter - Motto #2  
 Councilor Myers - Motto #2  
 Councilor McGee - Motto #4

So the winner was declared to be Motto #2: "Marysville - Where Quality of Life Is Our Way of Life."

NEW BUSINESS:**1. Change Public Works Engineer Position to City Engineer.**

Public Works Director Winckler explained the current Public Works Engineer has resigned. It had been a Grade XIII but there has been difficulty in refilling the position and a market analysis reveals a Grade XVIII would be more appropriate for our City's size, expectations of the job description, etc. He noted the position would be vacant for part of the year, resulting in a cost savings of \$7500 but \$8100 is needed for the higher grade level. He explained staff feels strongly that the City would be saving with a City Engineer permanently on staff.

City Administrator Zabell explained the step placement on pay grade levels, difference in job descriptions between Grade XIII and XVIII, savings to the City, how one of the main areas of need is in traffic expertise/specialty. He also reviewed pay grades of other positions:

- Police Chief - Grade XX
- Asst. Police Chief - Grade XIX
- City Planner - Grade XVI
- Parks & Rec. - Grade XVI
- Finance Director - Grade XVII
- Director of Public Works - Grade XIX

He noted the problem of not being able to attract people at the pay levels the City was offering and talked about the flexibility created in the steps, depending on the applicant's previous experience, etc.

Councilor Pedersen asked about compensation for education/degree and City Administrator Zabell said the position at Grade XVIII is required to have an engineer's degree.

Councilor Baxter moved to approve the change to City Engineer and to advertise same at pay level Grade XVIII, with a range of salary advertised in that pay grade. Councilor Myers seconded and the motion passed unanimously.

CONSENT AGENDA:**1. Renewal of Liquor Licenses for Billy Bob's, Chevron/PDQ Oil Co #1103, 4th St. Market & Deli, and Marketplace.**

Councilor Pedersen moved and Councilor McGee seconded to approve Consent Agenda #1. Passed unanimously.

ORDINANCES & RESOLUTIONS:**1. Resolution Granting a Conditional Use Permit for Dwayne Lane's Dodge, Subject to Conditions.**

Councilor Wright moved and Councilor Leighan seconded to approve/adopt Resolution #1624. Passed 6-0 (Councilor Myers didn't vote).

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**2. Resolution Granting a Utility Variance for Karen Tregoning Property at 22007-59th Av., Arlington.**

Councilor McGee moved and Councilor Pedersen seconded to approve/adopt Resolution #1625. Passed 6-0 (Councilor Myers didn't vote).

**3. Resolution Requesting Review by the Sno-Isle Regional Library Board of Its Policies Relating to Access by Children to Certain Literary Materials.**

Councilor Pedersen moved and Councilor Herman seconded to approve/adopt Resolution #1626. Passed unanimously.

**4. Resolution Denying Without Prejudice, a Utility Variance for Lawrence Romo.**

City Attorney Weed stated this confirms action taken by City Council at the last Council meeting.

Councilor Herman moved and Councilor McGee seconded to approve/adopt Resolution #1627. Passed unanimously.

**5. Resolution Denying Without Prejudice, a Utility Variance for Jim Mulligan.**

Councilor Wright moved and Councilor Baxter seconded to approve/adopt Resolution #1628. Passed unanimously.

ADJOURNED INTO EXECUTIVE SESSION: 10:53 p.m.

1. Personnel.
2. Property.
3. Pending Litigation.

RECONVENED & ADJOURNED: 12:05 a.m. 6/8/93

Accepted this 14<sup>th</sup> day of June, 1993.

David Weiser  
 MAYOR

Mary S. Swenson  
 CITY CLERK

Standa A. Swenson  
 RECORDING SECRETARY