

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING JUNE 27, 1994

E.M.S. WORKSHOP: 6:00 to 7:00 p.m. 00 71

CALL TO ORDER: 7:08 p.m.

ROLL CALL: Councilor McGee absent

MINUTES OF PREVIOUS MEETING: 6/13/94 Approved

AUDIENCE PARTICIPATION: None

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

- 1. Comprehensive Parks & Rec. Plan Approved
- 2. Comprehensive Plan (cont. from 6/13/94) Cont. to 7/11/94

REVIEW BIDS: None

CURRENT BUSINESS:

- 1. Parkview Estates Div. 3; PA 8901001 Public Hrg. 7/25/94
- 2. 1994 Limited G.O. Bond Issue Ord. 1994 Approved
- 3. 1994 Water/Sewer Revenue Bond Issue Ord. 1995 Approved

NEW BUSINESS:

- 1. Gooch Utility Variance UV 94-008 Denied w/o prejudice
- 2. Elder Utility Variance UV 94-009 Approved

CONSENT AGENDA: Approved:

- 1. 6/27/94 Claims in the amount of \$199,002.33.
- 2. Homegrown Arts & Crafts Fair/Street Closure & Banner Request
- 3. Authorize Mayor to Sign Consultant Agreement with North Sound Computers for Computer Network in Executive & Finance Departments
- 4. Authorize Mayor to Sign Interlocal Agreement w/Snohomish Co. for State Av. & 136th St. NE Signalization.

ORDINANCES & RESOLUTIONS:

- 1. Ord. rezoning Wintch Property & Approving Prel. Plat & Site Plan Ord. 1996 Approved
- 2. Ord. affirming Hearing Examiner's Decision for Dujardin Rezone Ord. 1997 Approved
- 3. Res. Adopting Parks & Recreation Comp Plan Res. 1694 Approved
- 4. Res. regarding EMS Levy Res. 1695 Approved

LEGAL MATTERS:

- 1. Recovery Contract for Utility Construction Costs - Porter Recovery Contr.#175 Appr.

ADJOURNMENT INTO EXECUTIVE SESSION: 11:45 p.m.

- 1. Litigation No Action
- 2. Real Estate No Action
- 3. Personnel No Action

RECONVENED & ADJOURNED: Approx. 12:45 a.m. 6/28/94

MARYSVILLE CITY COUNCIL MINUTES

JUNE 27, 1994

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor

Councilmembers:

Donna Pedersen, Mayor Pro Tem

John Myers

Ken Baxter

Donna Wright

Mike Leighan

Otto Herman

Administrative Staff:

Dave Zabell, City Administrator

Steve Wilson, Finance Director

Gloria Hirashima, City Planner

Doug Buell, Community Information Officer

Greg Corn, Marysville Fire Chief

Ken Winckler, Public Works Director

Grant Weed, City Attorney

Jim Ballew, Parks & Recreation Director

Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order at 7:08 p.m. (there had been an EMS Workshop from 6:00 p.m. to 7:00 p.m.) and led the flag salute.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETING:

Councilmember Herman noted on page 7, first paragraph, 6th line of the June 13, 1994 City Council minutes, "bufferin" should be "buffer in" (two words).

Councilmember Pedersen noted to be consistent, the mention of Councilmember McGee's absence on the first page should say he will resign June 30th rather than "has resigned". (Under Roll Call.)

There being no further corrections, Councilmember Herman moved and Councilmember Baxter seconded to approve the minutes of 6/13/94 as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

STAFF BUSINESS:

City Administrator Zabell reported he received a communication announcing a Quilceda/Allen Creek Watershed meeting to be held 6/28/94 at the 88th St. Middle School; 6 applications/letters of interest have been received with regard to the Councilmember position opening but there is a possibility that one of the applicants does not reside within City limits. He noted the selection process is the prerogative of the City Council and he asked for direction on this. He reported the Lieutenant (MPD) position will be selected next week.

City Attorney Weed reported two important decisions have been handed down affecting municipalities: regarding vesting and inverse condemnation (storm water run off) and he has this information for anyone who is interested.

Public Works Director Winckler asked that Council tentatively mark their calendars for a tour of the WWTF 7/22/94 (Fri.) at 2 p.m. He reported there is a 67th LID meeting 6/29 (Wed.) at 3:00 p.m. in the Public Works Building and there will be a Puget Sound Economic Development District presentation 6/29/94 at 11 a.m. in Seattle with Marysville's reservoir project on the agenda.

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MAYOR'S BUSINESS:

Mayor Weiser reported there are 12 potential sites for a regional airport with a meeting coming up July 6 regarding this. He said he has spoken with surrounding cities and the Tulalip Tribes about attending the meeting.

2) He noted the City has been participating financially in the support of the Interlocal Comprehensive Youth Gang Task Force and the county has now come up with enough funding to hire another needed person and in addition, they have put together a suppression group which has been very effective; they were here for Maryfest and picked up some people with outstanding warrants.

CALL ON COUNCILMEMBERS:

Councilmember Herman said he would support the process that involves the entire Council at a public meeting with a social hour to meet the candidates for the opening on City Council.

Councilmember Leighan stated he agreed with Councilmember Herman.

Councilmember Wright agreed also and reported she attended the AWC Convention in Spokane and one of the top issues was mandates for cities without proper funding. Another issue is that communities have to work together to address youth activities, communication with citizens, televising City Council meetings, etc., she said.

Councilmember Pedersen said she also attended the AWC Convention and will be having Bev Numbers send information with regard to Council meetings being televised. She reported there is a Library Board meeting tomorrow, a Fire Board meeting 7/12 and that she has a burned out light bulb above her in Council Chambers. She said with regard to the 1995 Budget process, she would like input from other Councilmembers on this but would personally like to have a discussion with dept. heads. With regard to the vacancy on the City Council, she said she would also like a chance to meet socially with the person filling the vacancy and she suggested talking with all of them socially, having them make a presentation before the regular Council meeting.

Councilmember Pedersen commented on the "bad writing contest" in one of the local papers, noting the winner chose the Marysville hillside growth to make fun of.

Councilmember Baxter said he too would like a chance to talk with all the candidates for the Councilmember position and have all of the City Council in attendance. He said he also attended the AWC Convention in Spokane and noted a number of people from small cities had no idea of what Growth Management is.

Councilmember Myers agreed that all of the Council should have a chance to talk with the Council candidate; he suggested a social hour immediately preceding the 7/5/94 Council Meeting.

City Administrator Zabell asked if a 3-5 minute presentation from each candidate would be appropriate during the Council meeting after the social hour and there was discussion about having to get 4 votes for the winning candidate, possibly narrowing it down to two, having the social hour at 6 p.m. with a 2-3 minute presentation, if voting does not result in a majority vote (4 votes) having them come back the next week for a 10 minute presentation. This was the consensus.

City Administrator Zabell reported the MDNS permit for the WWTF has been issued to the City of Marysville and City Attorney Weed stated he will be reviewing this document.

PUBLIC HEARINGS:

1. Comprehensive Parks & Recreation Plan.

City Attorney Weed swore in those wishing to give testimony.

Parks & Recreation Director Ballew handed out the Parks element of the Comp Plan and briefly outlined what the plan does. He noted this plan is the result of several workshops and open houses that were held with the last public hearing being at the 6/21/94 Planning Commission meeting where the Planning Commission did recommend approval of the revised plan. Then there was a Council Workshop 6/23/94 and some minor changes were made as a result of that, he said. He added that additional information is being developed on the mitigation package; the City is awaiting the county's completion of their mitigation policies/plan.

Michael Cheyne, Consultant, addressed Council. He said the Parks Plan basically answers: "What do we have now?" and "What do we want to do now and in the future?" He reviewed the process of doing a needs analysis, through the use of a community wide survey and 7 items were identified:

- Trails - which have been a very high priority since 1989
 - development of the Ebey Slough dike and Sunnyside Well site
- Ebey Slough - access to waterfront
 - trail along dike
 - park area
 - boat launch/ramp
- Athletic Fields for soccer, baseball, pickup, league play
- Neighborhood Parks as funds become available
- Community Parks such as Sunnyside Well site
 - natural areas, habitat conservation, mixed use, ball fields
 - improvement of Jennings Park, nature trails
- Wildlife Habitat Conservation - appropriate areas to be identified
- Recreation/Services for teens, seniors, etc.

He pointed out that the Action Plan gives a schedule for the Parks Dept. to follow in a logical format with development of a Trails Advisory Committee to determine and develop plans for neighborhood park areas, wildlife habitat areas, etc. He stated this is a plan for the next five years, to be reviewed each year.

Debbie Bray, 7603 47th Av. NE, addressed Council and asked if the plan has been or will be made available to the general public.

Parks & Recreation Director Ballew said yes, there have been many opportunities (advertised) for the public to be involved in the process and the plan will be available in final form very soon.

Councilmember Herman noted that at the 6/23/94 Workshop there were some changes made and Parks & Recreation Director Ballew confirmed these changes have been incorporated in the document before Council.

Councilmember Leighan pointed out that Liberty Elementary (#20) was omitted from the legend.

Parks & Recreation Director Ballew said it will be added in. He noted a capital improvement plan has been included as a state requirement; this is a guide only, however with the GMA, they are asked to evaluate mitigation options. The funding would not come strictly from Marysville, they may come from the state, county, etc. and there is a lot of flexibility within the capital improve-

ment/mitigation plan, he said; Ebey Slough, parks, trails, etc. may be included in our own budget and this would work in conjunction with the City budget, he said. He added this is basically a five year plan; once it's adopted, copies will be available to the public. As far as advertising the public hearings, he said they ran public hearing notices in the newspapers, they sent out 150 invitations, they used the community TV channel and mailed out 16,000 newsletters advertising the public hearing process.

Councilmember Herman gave his draft copy of the plan to Debbie Bray for her information.

Councilmember Leighan noted that Mr. Cheyne's comment was that 82% was one of the highest he's seen as far as the percentage of people who are happy with Marysville's parks and recreation facilities in our community. (On the survey.)

There being no one further wishing to testify, the public hearing was closed.

Councilmember Pedersen asked about recycling rubber mats and Parks & Recreation Director Ballew said yes, that is done in some cities but he has heard negative feedback, too, with regard to it being a petroleum product and there were a lot of complaints about that in Seattle.

Councilmember Herman noted it's hard not to get too specific in this document but the Comp Plan is a general and flexible guide. He said he is comfortable with the document as presented and he added it's nice that this element has been submitted in a very timely manner.

Councilmember Myers echoed his comments and moved to approve the Parks & Recreation Comprehensive Plan as presented. Councilmember Leighan seconded the motion.

Councilmember Baxter asked about authority listed on page 17 and City Administrator Zabell stated any changes made in the future in the authority/chain of command would not be bound by this Comprehensive Plan, for example, what happens with the golf course, changes to the 1994 budget, etc. He stated he is comfortable with this document, that this is a general wording that appears in almost all comprehensive plans with regard to authority/chain of command.

Councilmember Herman called for the question and the motion passed unanimously.

Councilor Wright left Council Chambers at 8:00 p.m.

2. Comprehensive Plan (continued from 6/13/94).

Mayor Weiser noted that 4 people who have signed up to speak tonight already testified at the last meeting.

Councilmember Herman moved to reopen the public hearing to public testimony with no repetitive comments. Councilmember Baxter seconded and the motion passed 5-0.

Councilmember Wright returned to Council Chambers at 8:03 p.m.

City Attorney Weed swore in those wishing to give testimony.

Mayor Weiser asked that people limit their comments to 5 minutes.

Councilmember Pedersen noted that one of the letters received questioned the amount of commercially designated property in the Comp Plan and she said it was insinuating the Council had not done their homework on this.

City Planner Hirashima explained that the figures for commercial and other needs were based on the Puget Sound Regional Council population forecasts and with regard specifically to the intersection at 528 & 67th there is more commercial than was originally thought needed, she said. She noted this was looked at extensively and it should also be noted that the PSRC figures were regional figures, not local figures.

The hearing was opened up to public testimony.

Mary Kirkland, 13004 Hilltop Rd., Arlington, addressed Council. She noted she also owns Hilton Pharmacy at 220 State (downtown) and she noted it's increasingly difficult to compete on a level playing field with larger malls and they may essentially annihilate the small businesses with the 67th & 528 intersection. She said she sees this as a death wish to the smaller businesses and pointed out that the downtown core of a community gives the community its roots and binds the community together.

Reid Shockey, 2924 Colby Av., Everett, addressed Council. He said his clients are the owners of 6 acres on the corner of 67th & 528. He noted there is going to be enough of a market where this is not going to damage the commercial base in downtown Marysville. He also noted the City has the ability to determine how the commercial needs are going to be met: it depends on population projections and Marysville City staff and consultants have determined that there is going to be a need. He pointed out there has been a piece meal process; this is a major intersection, improved, signalized and some intersection has to be determined for the future growth of the piece meal growth that is inevitably going to occur, he said. He said it's not a death wish --- his firm has been involved in this process for 6 years and he said he thinks this needs to be brought to closure and that the City does need to plan for the growth in a responsible way, which he feels the Comp Plan does do.

Bud Blethin, 10524 38th Av. NE, addressed Council, stating he would propose that no commercial development go into Planning Area 5 where the residential area is that he lives in (Indian Creek Estates). He stated he and his neighbors wish to keep this residential and know there is a proposal for a structure to cross the wetlands. He stated there are concerns about noise levels since the natural vegetation and trees were removed and in the past a developer did put in a bridge and had to remove it and now they are trying to do it again.

City Planner Hirashima stated the text of the Comp Plan recommends a 50' forested corridor between the freeway and residential neighborhood.

Mr. Blethin stated the natural vegetative corridor is planned to be removed under the developer's proposal and in his opinion the current owner should not be allowed to remove any more trees in that corridor.

Herman Mount, 13410 67th Av. NE, Arlington, addressed Council, representing Chuck and Evelyn Mount, his parents who own the old Kellogg Marsh School property at 100th & 67th. He stated this was purchased in 1954 as an investment property, the City then bought half the property for the reservoir and Mr. Mount's parents donated the old school bell to the City. He noted it's been suggested commercial, residential and now historical; they are asking that that be reconsidered. It's currently Chuck's Auto Body and he said he is against it being designated as a "historical" site; this was his parents' investment and it is not worthwhile restoring or preserving the building because the only thing that's holding it up is the termites all holding hands!!

Greg Rounds, 825 43rd Av. NW, addressed Council regarding his property at 1070 Ash which currently has general commercial zoning. He stated when they bought it that was what it was zoned as and this area has been developing general commercial and to change it to high density single family seems wrong.

Sim Wilson, 312 40th NW, owner of The Globe, 8213 State, addressed the Council. He noted that one of the comments at the last public hearing was that there is no definition of what each area can be used for--it's kind of a "trust me" thing and there seems to be a lot of individual manufacturing, general commercial use in the Beach, Ash area and changing to residential is going to downzone that area, he observed. He noted that when you do that, you reduce potential revenue, property values, etc. which is not fiscally beneficial for the City. He noted the proposal is to designate State from 80th to 88th community commercial when in fact the existing businesses include auto parts stores, tires, the coop, a tavern, the oil change place and the only business along there that would conform with community commercial is the church and all the rest of the businesses will in effect be downzoned. He said he thinks when you downzone an area the City should have to give a reason for this. He noted one of the "hot buttons" in the Comp Plan is 67th & 528 and he noted he served on the Planning Commission for 18 years and it was proposed that corner would be neighborhood business back then--now there are 3 community commercial sites there and he said he doesn't think that's viable in that area even with the growth. His last remark was to do with the zoning along Highway 9--medium density residential and he said he thinks that is inappropriate and should be commercial or light industrial.

Councilmember Herman asked whether the neighborhood commercial at 67th & 528 was on the corner or mid block and Mr. Wilson said it was on the corner; there was the potential of the highway (528) at that time, also.

Councilmember Herman asked if Mr. Wilson was talking about the actual zoning or use of the properties along State and Mr. Wilson said it is his understanding the zoning is general commercial now.

City Planner Hirashima confirmed this, stating approximately from the cemetery north is general commercial with the exception of Fred Meyers and K-Mart which are community commercial. She said it probably would be desirable to retain the general commercial in view of the existing uses. From about 5th to Grove between Ash and Beach -- Council needs to review that area, she said; the Planning Commission designated that as mixed use based on a combination of uses in that area and they felt it would promote a better transition of the area but there are some uses that would not be accommodated unless it is community commercial/general commercial, especially if it's thought the area is not going to be in transition. With grandfathering in the general commercial uses, you will experience problems trying to mix these uses with residential, she warned.

Mr. Wilson said he would request that the City not let the GMA rush it into anything until questions are answered here.

Rose Hunter, 8201 84th St. NE, addressed Council. She submitted a letter from herself and husband regarding Planning Area 8, which she proceeded to read. She stated her main concern is with the extension of 88th to 84th which creates a triangle. This triangle would be adjacent to her property and would cut through her sister-in-law's timber (Celia Hunter). Also, there would be a tremendous amount of noise created from increased traffic on the highways that she would be surrounded by, she said.

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City Planner Hirashima explained that one of the things the City is doing is studying various alternatives for the extension of 88th to Getchell; this is a project that has been ongoing and the City has an engineer working on some route alternatives, she said. She stated Mrs. Hunter would be notified of neighborhood meetings coming up with regard to this.

Mrs. Hunter stated 84th handles the traffic nicely, there is 528 to the south which is also a major arterial. She pointed out that her area is in the Quilceda/Allen Creek watershed and the hill is not a good place for a highway, it's full of bogs, etc. She said when she called the City about this, she was referred to Hammond, Collier & Wade in Seattle and she would like to see this area put in low density--there is a lot of sensitive land in there, also, she pointed out.

Jodi Hiatt, 5728 Grove St. and co-owner of Marysville-Everett Ceramic Tile, addressed Council, on behalf of the Downtown Merchants Assn. She stated they are against the development at 528 & 67th and they feel there appears to be ample commercial zones in Marysville to accommodate growth for the next 20 years. This is only going to stagnate the downtown area and is only going to help large developers in an area that has a school, park, YMCA, she said. She stated they feel the City should be considering the Downtown Merchants vs outside developers here.

Virgil Baxter, 7030 Totem Beach Rd. and downtown business owner for 37 years, addressed Council. He stated the area he is in downtown has been downzoned and he would like to ask that the City not adopt the Comp Plan at this time until more study has been done.

Gunnar Peterson, 7227 87th Av. NE, addressed Council. He talked about the poor drainage on the hillside, the silt, the fact that a lot of the hillside is in the Quilceda/Allen Creek watershed, the slopiness of Getchell Hill. He said he doesn't think the City should allow development of the hillside like that--it's turning into a mud creek, he said and he said he would like to see the east side kept green and also the east side of Highway 9 should be left alone. Up by 83rd--that should be bigger lots and lower density, he said, up by Sunnyside Well. He noted that every time it rains there is tons of water running down the hill.

Greg Wagner, 3811 107th Pl. NE, addressed Council. He said his concern is with the west side of Indian Creek in Planning Area 5 and he joins many of the homeowners along 107th who are against the added noise pollution that has come about in recent years and more is planned with the business park proposed. He said he echoes Mr. Blethin's comments and is concerned about the buffer and natural greenbelt disappearing with the business park going in. He noted the creek runs through this property and he said he thinks the business park is going to have a negative impact on this area which is not in line with the state goals which calls for protection of these areas.

Roy Waikel, 1919 3rd St., addressed Council. He said he doesn't understand this whole plan because nothing seems to be getting accomplished. He said the City seems to be attracting more traffic and he asked what happened behind Jennings Park--a creek has been bulldozed over and he said he doesn't want to live in another Lynnwood because it's just a mess.

Gary Hassler, 4913 70th Av. NE, addressed Council and noted this part of the City is growing rapidly and lacks services. He said he thinks the proposed community commercial designation at 67th & 528 should be retained; people in that neighborhood have to drive downtown or to Lake Stevens now and it makes good sense to have community commercial designation on intersections and in each of the neighborhood areas, serving sub areas, he said. He restated there is rapid growth and he said he would ask that the Council

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honor its commitment to serve each of these sub areas with a neighborhood business area/designation for convenience shopping.

Irene Nobles, 6803 49th St. NE, addressed Council. She said as a new resident of Marysville she would like to see a market at 67th & 528 that would be convenient for all of the neighborhoods on the east side, something they could walk to or bicycle to.

Jim Rowley, 5420 125th Pl. SW, Mukilteo, addressed Council as a former resident of Marysville. He said he wished to address the northern part of Grove between Ash and Beach which is now designated multiple family. He said he thinks it should be mixed use: office, multiple family, etc. which could serve as a buffer between community commercial and the south end. He noted there is going to be a considerable amount of growth in the future, Cedar is a 4 lane arterial and a lot of that traffic is going to divert onto Grove to the east side. He pointed out that with a lot of heavy traffic, more apartments on Cedar is not the answer; it would be safer to have a mixed use buffer there, he said. On the east side of Cedar, there is a piece of property owned by a family who has been in Marysville for 111 years (his grandmother) and he said he thinks mixed use is the best use for the property.

Councilmember Wright asked him which corner of Cedar & Grove he was referring to and he said the Northeast corner, near the railroad tracks.

Art Hoffman, 16829 71st Dr. NE, Arlington, addressed Council about the same area as Jim Rowley. He noted there is a need for expansion of commercial. He said he owns a couple pieces on State and one on Cedar--it's a major corridor and it doesn't make sense to designate that multiple family because it's bordered by the freeway and the railroad and he said he thinks a better consideration would be a mixed zoning.

Gary Bray, 6301 67th Av. NE, addressed Council and said he is strongly opposed to the rezoning of 67th & 528. He stated they own property adjacent to this--the lot he is talking about has changed from multifamily to community commercial to neighborhood commercial. He asked if it was a coincidence that people involved in the Planning Commission are owners of the property. Department stores and large grocery stores would be allowed there and he said with a unanimous outpouring of opposition to this they would ask that the City Council consider the residents' requests--they want to see coordination and not dictatorship, he said.

Dan Edmonds, 12029 11th Av. NE, addressed Council, submitting a petition that he had his daughter go around and get signatures on, stating that they would like to retain general commercial in the area on Beach where his machine shop is located, along with other small, similar uses in the area.

Margaret Natterstad, 10532 38th Av. NE, addressed Council regarding Planning Area 5. She stated the distance across Indian Creek is 300' and the proposed bridge the developers are proposing is 1000' over wetlands which will have a tremendous impact on the residential area. She pointed out that the business park can get access from 88th vs going through Indian Creek Estates.

Mike Papa, 8127 54th Dr. NE, addressed Council. He presented several slides -- examples of streetscaping, green belts, buffers and tree plantings in Renton. He compared several stores such as Redmond McDonald's, 7-11, K-Mart, a mini mall and a residential subdivision with Marysville businesses and residential areas and noted the "greener" difference is because Renton has developed landscaping and streetscaping standards. He pointed out that Marysville could become as nicely landscaped as Renton but it will require conviction of the Council and he said he would like to see this type of ordinance as a priority in Marysville.

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James Troxel, 9321 SE 46th St., Mercer Island, addressed Council. He noted he has been in a number of Marysville Comp Plan meetings and has been impressed at the way Council is considering the issues and the thoroughness in dealing with the process. He stated he is interested in the southwest corner of 67th & 528, noting that Council has received previous communications from his company-- Supermarket Development Company who act on behalf of Associated Grocers and they are proposing development of that property for a grocery store to be operated by Thrifty Foods (the same company who owns Market Place north of town). It would be a neighborhood shopping center which would fall under a community commercial designation, he said, about 60,000 square feet, two-thirds of that would be food store and the balance would be other uses, he said. He added that he would like to dispel a misconception that they are trying to acquire inexpensive land to make money--this land is not inexpensive!! He stated they have had some preliminary traffic studies done and those indicate that they could support an appropriate level of service. He said with some hesitation he sent a copy of a letter to a downtown merchant to the City and they do feel there is plenty of potential to have both entities in place and not having a negative impact on each other.

Rex Bartlett, 8522 108th St. NE, addressed Council, noting he owns the adjacent property there and they have been going to a lot of workshops and feel knowledgeable about this area. He noted access would be off both 67th & 528 and he pointed out that the proposal is to have lots of landscaping, greenbelt, there is going to be a traffic signal and additional lanes provided. He said he asked surrounding home owners and builders and they don't predict any drop in property values. He said he also notes that in Mercer Island they have an IGA in the middle of a residential area and they protested it originally but now it is packed all the time with shoppers. He said he thinks it can work for that corner; the people need to expect change on a main corner/arterial and they have tried to sell this idea for several years and have done several studies on this. He noted it could be developed houses but feel it is more of a service to the community to have it community commercial vs more houses on that corner.

Jeff Stafford, 1904 3rd Av., Seattle, addressed Council. He said he agrees you have to plan for growth and 67th & 528 is the perfect place for a community commercial or neighborhood commercial center. He highlighted excerpts from the interim Comprehensive Plan which encourages adequate commercial areas, auto oriented businesses, community commercial centers with streetscapes, policies that protect sensitive areas, reduction of reliance on automobiles. He read language to do with protection of the environment, compatibility with surrounding uses, benefits to the surrounding area, conformance with the land use plan. He noted this proposal would improve the appearance of the area with streetscaping, landscaping and parks, as well as pedestrian and bike paths and he said their goal is to encourage public discourse on this and he has brought site plans for the southwest and northeast corners for comparison purposes and invites the public to take a look at them. He noted the northeast corner has more accommodation than the southwest corner.

Bill Bruns, 4620 126th Pl. NE, addressed Council on behalf of his mother, Evelyn, with regard to the northeast corner of 528 & 67th. He said his mother owns 10 out of the 15 acres on that corner and they are opposed to the rezoning to neighborhood commercial--it's been farmland and residential since 1948, it's owned by a fixed income retired person who has no intention of selling the property at this time and they would like to have it retained residential, he said.

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Bill Bowers, 6056 7th Av., Seattle, addressed Council. He stated his concern is with the property he owns at 5003 42nd NE, right next to the sewer lagoon. He said this was purchased from Mr. Grant; Mr. Bowers was opposed to the annexation, as was his neighbor, Doug Frizzell. The road and sewer were 1000' away and at that time the City decided to make it industrial park but that was never done, he said. He said he purchased the property 8 yrs. ago when it was zoned light industrial; he was told they were going to establish zoning but nothing has happened; he said he doesn't know what it's zoned for. He quoted from the "zoning book": he can have a police dept., a fire dept or a municipal building there or he can have a bakery, an office building or a driving range but he needs a 100' setback. He pointed out his property is only 90' wide! He could have a garage and that's the only thing he would want, he said and the only thing it's good for, according to the zoning book. He asked what his zoning is.

City Planner Hirashima said it is still light industrial and Mr. Bowers said he understood the City was going to go to county regulations.

City Planner Hirashima explained they are going to be developing the light industrial zone because it does have very limited uses allowed but there are very few locations with light industrial zoning in Marysville and this has just come to light in the last year. She said they do have plans for this issue to go to the Planning Commission over the next couple months.

Mr. Bowers said he thinks his waiting 6-1/2 years to find out his zoning is sufficient for the City to come to some conclusion.

Reese Zek (??), 6707 49th St. NE, addressed Council. He said he would like to see a shopping center at 528 & 67th because his family has to shop at Frontier Village--they don't go downtown so it's not going to hurt them if a shopping center goes in at 528 & 67th, he pointed out.

Jim Matheson, 5316 74th St. NE, addressed Council. He stated he also served on the Planning Commission in the past and is aware of some of the problems, also. He said someone mentioned something about Marysville starting an Economic Development Council and he said he thinks the City needs to take care of businesses in town, people who have their lives invested here.

There being no one further wishing to testify, the public testimony portion of the public hearing was closed at 9:37 p.m.

There was then discussion about the process among the Councilmembers, various areas that were brought up in public testimony: Beach, 67th & 528, State, downtown. Discussion about where the process should go from here, downtown merchants, supporting outlying businesses vs downtown merchants, tax base of Marysville, planning for growth for 20 years, free enterprise, planning the City in an orderly manner, having your whole life invested in a downtown business, there is a limit of growth in downtown, limit of parking and not enough room for any more development except maybe if the waterfront is developed, tourist attraction, people having to shop Lake Stevens/Frontier Village, corner stores vs larger grocery stores, most of the citizens don't seem to want 67th & 528 developed. Discussion about there being significant opposition and yet some long range plans may have some merit, impacts on residents and businesses, increasing commercial in one area will impact commercial in another area of Marysville, impact on existing businesses, testimony about phasing of development looking toward 20 years hence, feasibility, letting the market dictate use/development, putting the zoning in place and letting the developers do market studies to determine whether development is feasible, short term and long term impact, impact on citizens and businesses which are the backbone of the economy (small busi-

nesses), need for review of the different areas that have been brought up, proposal of another workshop to consider information that has come before Council with no further public testimony to be taken.

Councilmember Baxter asked about how many businesses are going to be "downzoned" or put into a non-conforming use. He said this is a major concern to him.

Councilmember Pedersen said she thinks that needs to be considered before Council makes a decision on that area, questions about mixed use, for example, current uses on Beach, Cedar, Ash, etc.

There was more discussion about current uses at 80th & State and north, Mr. Bowers' property, the amount of staff time involved here, staff to take minutes and categorize comments by issue and Planning Area so Council can make better informed decision--with maps, the specific areas being along State, mixed use areas, Indian Creek Estates, historical site at 100th & 67th, Getchell Hill and 67th & 528.

Councilmember Myers suggested the City not pursue the issue of making 100th & 67th a historical site in view of the condition of the building, according to Mr. Mount.

Councilmember Pedersen stated maybe there could be a plaque placed at the location and a picture and allow the Mounts to continue their present use of the property.

City Planner Hirashima stated one of the policies was to review saving the site and whether it was worth it but she said she did not believe the discussion was completed in this case regarding historical site policies in Marysville.

Councilmember Myers moved to close the public hearing but continue discussion to 7/11/94 on the land use Comprehensive Plan. Councilmember Baxter seconded the motion and it passed unanimously.

CURRENT BUSINESS:

1. Parkview Estates Division 3; PA 8901001.

City Planner Hirashima reviewed the agenda bill, noting there are 2 issues: removal of the trail and approval of the road design standard of 57th Dr. NE. She stated staff did not feel it was necessary to have a trail in the back/public access and in the future could have a separate tract so that the trail does not cross individuals' property. At the neighborhood meeting there were issues brought up of privacy, safety and staff supports removal of the trail, she said. With regard to the road design for 57th Dr. NE, there was a meeting with 2 property owners, Centex Homes, the Fire and Planning departments and Public Works staff and staff recommends approval of the proposed road construction, she said.

Councilmember Pedersen asked about the greenbelt and City Planner Hirashima stated if there was a public access it would create maintenance, safety, liability and other issues.

Councilmember Baxter asked about cleaning the swales and City Planner Hirashima said the surface water is collected in other ways and the swales are not necessary.

Councilmember Herman asked about lot sizes and public use of the adjacent trail. He noted trail systems are very important to the community.

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City Planner Hirashima stated there is still a public trail between lots 31 & 32 on the northeast corner and there was more discussion about neighborhood opposition to the path, no fence approved, continuity of the trail system, going through Holman's property, signage, sidewalk linking up with 66th.

Fire Chief Corn stated 4 or 5 years ago this came before Council and the Fire Dept. made a case for a wide open road however Parkside wants it to be closed. He stated grasscrete is an acceptable road bed and a chain link fence would be an acceptable barrier--the fire trucks do have bolt cutters and it would take about 30 seconds to a minute to cut through the chain link fence.

Councilmember Baxter said that has never been a legitimate use of the street to him; the Fire Dept. goal is response time and he said he thinks it should be an open street with no obstruction whatsoever on the street--streets are made to use, he said.

Councilmember Pedersen noted there were several neighbors opposed to the open road.

City Attorney Weed said he thought this a significant enough change to reopen this whole issue with a public hearing.

Councilmember Wright asked about the amount of delay a new public hearing would cause and City Planner Hirashima said it would be about another month.

Councilmember Baxter pointed out that originally it was a through street and there was more discussion about having another public hearing, but there being no impact on construction of homes.

Nelson Betty, Centex, 2320 130th Av. NE, Bellevue, addressed Council. He said they have worked long and hard trying to keep everyone happy and they have bonded on their improvements and would like to move forward on this project. He said gating does not make any difference to them but the whole neighborhood is opposed to an open street, however.

City Administrator Zabell stated the final plat is acceptable except for the gate issue.

There was more discussion about the trail in the ordinance, it was pointed out that has been completed between lots 31 & 32, the need for a public hearing process if there was a plan to have a trail system, the Parkside Manor residents not wanting the trail, the committee did in fact resolve the trail system issue, compatibility of lot sizes, buffer zone was originally for maintenance of drainage ditches, ambiguous wording, several issues involved: storm drainage improvements made since, binding site plan process being an administrative process, if the Council feels there is a strong enough indication from the neighbors a public hearing would not be required as opposed to what the City Attorney said earlier with regard to there being significant enough changes to warrant a new public hearing however the ordinance would need to be amended with regard to the 30' greenbelt.

Mr. Betty noted the 30' is to remain a greenbelt, is being planted and to be maintained.

Councilmember Pedersen asked why the 10' easement is needed and City Attorney Weed said he thinks there are design issues that don't impact the development of the property and Council can have a public hearing or direct staff to develop a resolution reflecting discussion tonight, for example, changing the emergency vehicle access, improvements being bonded.

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Councilmember Pedersen moved to approve the binding site plan with the recommendation of removal of access road and trail and leave proposed road construction as proposed by staff in the agenda bill. Councilmember Leighan seconded. (The intent was that there be no public hearing.)

A roll call vote revealed a 3-3 tie vote, with Councilmembers Herman, Baxter and Myers opposed.

Councilmember Myers then moved to approve the binding site plan but to have a public hearing on the proposed road construction. Councilmember Baxter seconded. (Intention that everything else can go ahead.)

A roll call vote revealed a tie vote again, 3-3, with Councilmembers Herman, Leighan and Pedersen opposed.

Councilmember Leighan then moved to approve the binding site plan but to hold a public hearing on both the access and 57th Dr. issues. Councilmember Baxter seconded and a roll call vote revealed the motion passed 4-2 with Councilmembers Wright and Pedersen opposed.

The public hearing was set for 7/25/94. Councilmember Pedersen noted she wished to review Council & Planning Commission minutes.
2. 1994 Limited G.O. Bond Issue.

It was decided to defer this until after the Consent Agenda.

CONSENT AGENDA:

- 1. **6/27/94 Claims in the amount of \$199,002.33.**
- 2. **Approval of Homegrown Arts & Crafts Fair/Street Closure and Banner Request.**
- 3. **Authorize Mayor to Sign Consultant Agreement with North Sound Computers for Computer Network in Executive & Finance Departments.**
- 4. **Authorize Mayor to Sign Interlocal Agreement with Snohomish County for State Avenue & 136th St. NE Signalization.**

Councilmember Pedersen moved and Councilmember Myers seconded to approve Consent Agenda Items 1, 2, 3 & 4. Passed unanimously.

CURRENT BUSINESS:

2. 1994 Limited G.O. Bond Issue.

Finance Director Wilson reviewed the agenda bill, noting the debt service is to be paid through the fire district and the City is setting up a contract/agreement for that.

Steve Gaidos, Pacific Crest Securities reported the interest rates: for 1994-3.7%, 1995-4.2%, 1996-4.6%, 1997-4.8% and 5% for 1998. He presented the offer at 5.04% with a .75% underwriting spread.

Hugh Spencer, Foster, Pepper, Shefelman reviewed the ordinance and stated there are basically no changes from before.

City Attorney Weed asked about publication of this in a summary fashion and Mr. Spencer confirmed that this can be done as of June 9th.

City Attorney Weed asked if publication can be postponed until next week and Mr. Spencer said it could be.

Councilmember Baxter moved and Councilmember Pedersen seconded to approve/adopt Ordinance 1994. Passed unanimously.

3. 1994 Water/Sewer Revenue Bond Issue.

Finance Director Wilson reviewed the agenda bill, noting the debt service will be paid through the water and sewer utility and this bond issue will benefit the following projects: WWTF completion, reservoir completion, 1994 water system improvements, sewer line upgrade and 1995 water system improvements.

Steve Gaidos referred to the document he passed out to Council which compared bond issues. He noted tax bonds sell at better rates and he compared interest rates. He reported they had a major buyer which kept the interest rate down, at 6.18% with an underwriting cost of 1.65%.

Hugh Spencer handed out the bond ordinance on this parity bond issue and noted MBIA requirements have been included. He noted there is one change under definition of "reserve requirements": it should be \$2,454,475.00 vs \$2,397,180.00 on page 10.

Steve Gaidos commented that on the City's last bond issue the City made \$1,997,000 so only the difference needs to be made up between that and the total bond amount for the reserve.

Councilmember Pedersen moved and Councilmember Baxter seconded to approve/adopt Ordinance 1995. Passed unanimously.

NEW BUSINESS:

1. Garry L. Gooch; Utility Variance; UV 94-008.

Public Works Director Winckler reviewed the agenda bill and noted staff recommends denying this request without prejudice for a period of one year.

Councilmember Herman asked about the RUSA Committee recommendation and Councilmember Baxter said their recommendation is to deny the request without prejudice.

Councilmember Baxter then moved to deny the request without prejudice for a period of one year, Councilmember Myers seconded.

City Attorney Weed asked about findings of fact and they were determined to be that the property is outside RUSA, CWSP and UGB; the City is in the process of preparing their interim Comp Plan and have denied similar requests except if there is a hardship.

The motion passed unanimously.

2. Cameron C. Elder; Utility Variance; UV 94-009.

Councilmember Herman disclosed that he is a Stillaguamish Senior Center board member and stated he would not be voting on this issue.

Public Works Director Winckler reviewed the agenda bill noting this is not for new construction and the City has received a fax copy of the health hazard certification from the health district. He stated staff recommends the variance be granted as the well is no longer producing drinkable water; a non-protest agreement has been signed by the applicant.

City Attorney Weed asked if the 3 existing mobile homes plus new construction would get the water.

Dan Webster, Emerald Development, 1326 5th St., addressed Council. He made himself available for questions and explained that the well is to be removed.

Councilmember Pedersen noted the health district has justified the variance and she moved that it be granted. Councilmember Wright seconded and the motion passed 4-0 with Councilmember Leighan against and Councilmember Herman abstaining.

ORDINANCES & RESOLUTIONS:

1. Ordinance rezoning Dennis Wintch Property and approving the Preliminary Plat and Preliminary Site Plan.

City Attorney Weed noted all references to Louis or Lewis Griffore have been deleted; the property owner is Dennis Wintch only.

Councilmember Herman moved and Councilmember Leighan seconded to approve/adopt Ordinance 1996. Passed unanimously.

2. Ordinance Affirming the Hearing Examiner's Decision for the Art Dujardin Rezone.

Councilmember Myers moved and Councilmember Baxter seconded to approve/adopt Ordinance 1997. Passed unanimously.

4. Resolution Adopting Parks & Recreation Comprehensive Plan.

Councilmember Leighan moved and Councilmember Herman seconded to approve/adopt Resolution 1694. Passed unanimously.

3. Resolution Regarding EMS Levy.

Councilmember Pedersen moved and Councilmember Wright seconded to approve/adopt Resolution 1695. Passed unanimously.

LEGAL MATTERS:

1. Recovery Contract for Utility Construction Costs; Robert K. Porter.

Councilmember Wright moved and Councilmember Leighan seconded to approved Recovery Contract 175. Passed with Councilmember Pedersen abstaining.

ADJOURNED INTO EXECUTIVE SESSION: 11:45 p.m.

- 1. Litigation. (No Action)
- 2. Real Estate. (No Action)
- 3. Personnel. (No Action)

RECONVENED & ADJOURNED: Approx. 12:45 a.m. 6/28/94

Accepted this 5th day of July, 1994.

Daniel Weiser
MAYOR

Mary D. Swenson
CITY CLERK

Manda K. Swenson
RECORDING SECRETARY