

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING SEPT. 5, 1995 00216

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Councilmember Pedersen
excused

MINUTES OF PREVIOUS MEETINGS: 8/28/95 Council Minutes
Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA:

1. Approval of Aug/95 Payroll in the amount of \$556,274.89; paid by check nos. 18062 thru 18456 with Check Nos. 18064 thru 18114 Void. Approved

STAFF'S BUSINESS:

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PUBLIC HEARINGS:

1. Wright Annexation; PA 94406027 Approved

CURRENT BUSINESS: None

NEW BUSINESS:

1. Police Officer Hiring. Approved
2. 1996 Police Vehicles. Approved
3. Agreement for Consulting Svcs., 4th Year Monitoring at Wetland Mitigation Sites; Marysville Water Pipeline; Jones & Stokes Assoc. Approved
4. Utility Var. Boyden, Robinett & Assoc., Inc. UV 95-007 Approved
5. Utility Var. James Klein UV 95-006 Approved
6. Utility Var. Bud Darling UV 95-002 Approved
7. Utility Var. HKS Partnership UV 93-015 - Approved
8. Consortium Svcs. Agreement; Assoc. of Washington Cities Approved

ORDINANCES & RESOLUTIONS:

1. Ord. Adopting Regulations, Procedures & Standards for the BP, GI and LI Zones & Amending Chap. 19.60 of the MMC. Ord. 2042 Approved
2. Res. Reaffirming City's Policy for Utility Service for Areas Outside the Marysville City Limits. Cont. to 9/11/95

LEGAL MATTERS: None

ADJOURNMENT INTO EXECUTIVE SESSION: 9:43 p.m.

1. Litigation. Kellogg Marsh Annexation Public Hearing of 9/25 Cancelled
2. Personnel. No Action
3. Real Estate. No Action

RECONVENED & ADJOURNED: 10:39 p.m.

MARYSVILLE CITY COUNCIL MINUTES

SEPT. 5, 1995

7:00 p.m.

Council Chambers

Present:

Dave Weiser, Mayor

Councilmembers:

Donna Pedersen, Mayor Pro Tem (excused)

John Myers

Ken Baxter

Donna Wright

Mike Leighan

Otto Herman

Shirley Bartholomew

Administrative Staff:

Steve Wilson, Finance Director

Grant Weed, City Attorney

Gloria Hirashima, City Planner

Bob Dyer, Police Chief

Lt. Dennis Peterson, MPD

Ken Winckler, Director of Public Works

Dave Zabell, City Administrator

Wanda Iverson, Recording Secretary

CALL TO ORDER:

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

ROLL CALL:

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

MINUTES OF PREVIOUS MEETING:

Councilmember Wright noted in the 8/28/95 Council minutes on page 6 in the middle paragraph during Bud Darling's comments, it should be "clean water" not "clean sewers." Also, all the references to "Pine Street" should be "Vine Street" Properties. In the last paragraph of page 7, 15th line, "things" should be "thinks."

Councilmember Bartholomew noted on page 10, paragraph 5, it should be the Marysville-PUD-Tulalip Tribes JOA/water line and not the Everett-PUD-Tulalip Tribes water line.

There being no further corrections, Councilmember Herman moved and Councilmember Bartholomew seconded to approve the 8/28/95 Council minutes as corrected. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.CONSENT AGENDA:

- Approval of August 1995 Payroll in the Amount of \$556,274.89; paid by check nos. 18062 through 18456 with check nos. 18064 through 18114 void.**

Councilmember Bartholomew moved and Councilmember Wright seconded to approve Consent Agenda Item #1. Passed unanimously.

(Consent Agenda Item #2 moved to New Business Item #8.)

STAFF'S BUSINESS:

City Administrator Zabell referred to a memo he had passed around regarding a tour/trip on board the USS Wright 9/12 and asked that Council get their RSVPs in soon.

City Attorney Weed followed up on whether or not Council wished to have a presentation on land use regulations/measures recently passed by the Legislature. After discussion, it was the consensus to have a 15 minute presentation at an upcoming Council meeting, noting the important nature of this matter.

City Planner Hirashima reported a sub committee of the Planning Commission has been working on the small farms ordinance with some of the farmers and the Planning Commission is now incorporating their recommendations into the Comp Plan as far as conditions of an overlay, etc. The zoning code is to be updated also, she said and the Planning Commission will be scheduling a hearing on this, to also include mixed use and landscaping.

Councilmember Herman said he would like small farms ~~included~~ and she said she will take that back to the Planning Commission.

Public Works Director Winckler reported the RUSA meeting will be Thursday at 10:30 a.m. with the Tulalip Tribes in the Public Works Conference Rm. followed by the regular RUSA meeting.

With regard to the Parkside luminaires, he reported construction should be started within two weeks. Also, the window for Fisheries for the Grove St. project is until Oct. 15, he said which will give the City enough time to complete that project and the stop signs at 84th and 67th are scheduled to be discussed at the next City Council meeting.

MAYOR'S BUSINESS:

Mayor Weiser reported he will be out of town from 3 p.m. Wed. until 9 or 10 p.m. Thursday.

CALL ON COUNCILMEMBERS:

Councilmember Leighan asked about the sewer treatment plant usage and Public Works Director Winckler said we are right at 2.8 million gallons.

City Administrator Zabell commented on the monitoring equipment, stating that when we reach 85% capacity the DOE requires an upgrade of the WWTF.

Councilmember Herman asked about the length of time before we will have to upgrade, pretreatment requirements, BOD, control of what comes into the system, future costs, our ability to plan and keep rates down.

Public Works Director Winckler stated he will be bringing a pretreatment ordinance to Council very soon; he talked about predictions, trends, capabilities and an upcoming presentation.

Councilmember Baxter reported the Wheeling Agreement with the Tribes was signed today. Regarding the pretreatment issue, that has been discussed by the RUSA Committee, he said and he outlined the different committees and suggested putting together an information packet about what each committee is working on for Council's information.

Councilmember Herman asked about alternate methods of annexation.

City Attorney Weed explained the City's role in giving information regarding impact of annexation and said problems can occur if a city goes out and promotes an annexation as there are statutes prohibiting use of public funds for this use. He said it's been the general policy of Marysville not to promote annexation, even when an initiative/petition has been started.

Councilmember Baxter talked about the new routing for utility variance appeals to the Washington Utility Commission Appeals Board where the county council will be the final word vs the Dept. of Health now.



Conditions adopted concurrent with the Comp Plan

PUBLIC HEARINGS:**1. Wright Annexation; PA 94406027.**

City Planner Hirashima reviewed the agenda bill, noting this is for 120 acres and includes Sea View Ridge and Pine View Grove covenants. She stated staff is recommended acceptance of the annexation area subject to the City's bonded indebtedness, zoning and Comp Plan and to authorize the City Attorney to transmit the matter to the Boundary Review Board.

Jay Wright, 7224 49th Pl. NE, the proponent, addressed Council. He stated that back in 1969 this area was going to become part of the City; there is PUD, water and sewer easements that run through their area. Growth is going to happen in the county, he said, and added he thinks they would be better off in the City--the value is there in taxes. police response should be better, the City Council would hear any of their grievances. There are some residences in the north end that are going to need sewer soon, he pointed out and he added he is hoping that other land owners will be able to exert their wishes as far as what they can do with their property. The growth is coming and he said he thinks it's in their best interest to preplan where roads, parks, etc. are going to go and he thinks people can engineer where wetlands would be protected and how the roads are designed. He added that he would like to avoid the chian link fence around a detention pond concept and go with a biofiltration system, for example.

Terry McMurray, 7417 44th St. NE, addressed Council, stating her property is in the southeastern corner of the proposed annexation. She said she has concerns with quality of life and what is going to happen to the wildlife if they are annexed. She said all she sees with annexation is disadvantages: Higher taxes, concern about the wetland and underground aquifer, the area being slated for high density development. She said she also has a concern about sewer cost, also, she is the last house on the Marysville water line and has experienced very low water pressure there. Also, she is concerned about the area just south of hers which is also slated for high density, she said, and it's also marshy. She said she is also concerned about the road going through the center to possibly access a fire station but mostly she is concerned about quality of life and additional costs.

Kim Horvath, 7221 44th St. NE, addressed Council. She stated they have approx. 8.2 acres and a lot of her concerns are the same as Mrs. McMurray's. She said she would like to know when they are going to see a map as to streets and sewers proposed. She noted 48th St. deadends and her boundary is right there. She asked if they are intending to extend that and where they are intending to bring sewers through. She pointed out that their property is all wooded and asked what the cost is going to be to her to bring sewers in. Also what about taxes? She said she is really concerned about that and would like to see the proposed plan for that area as far as streets and sewers. She said she sees she is in the high density area and is worried if they are going to be down graded into 7200 zoning. She asked why they cut out the southeast corner if they want nice straight boundaries and noted that last time this went to the Boundary Review Board, there were not enough police and fire officers per capita to meet the standards and also she said she would like to know the time frame for sending this to the Boundary Review Board. She noted the Sea View Ridge developers bulldozed onto her land and asked if that is going to happen again.

Mayor Weiser explained about the stubbed out road and that it's there just if she would want it extended or if someone were to get the easement or buy her property. He said the same thing would be true about the sewer lines. As far as the taxes, he explained we are all affected the same; sometimes they are higher in the county

and sometimes they are lower. Overall, it's been averaging \$100 to \$150 difference in taxes, he said. As far as the transmittal to the Boundary Review Board, if the annexation is accepted, a resolution is prepared and then sent on to the Boundary Review Board in a couple weeks or so, he said.

Ms. Horvath asked about the proposal for development/zoning and Mayor Weiser explained the zoning is the same whether it's in the City or county. It's the same fire dept. in the City and county and roughly the same ratio of police officers would be maintained, he said.

between the city & county would be maintained

City Planner Hirashima said on the timing, the Boundary Review Board has 45 days to review it so there is a minimum of 2 months before anything can get started in the way of development. She added she does know some work has been done for at least one subdivision, a wetland study.

Ms. Horvath asked about getting information about sewer assessments and City Attorney Weed explained Ms. Horvath has the right to know public information; he explained the sewer assessment process if she wished to hook up to the sewer.

City Administrator Zabell added connection fees are known - they would run \$800 to \$1000 but the construction costs are not available at this time.

Mayor Weiser stated Marysville has 1.6 police officers for every 1000 of population, the county has .6 police officers per 1000 population.

Councilmember Baxter stated in reference to the fire station on 71st there may be one within the next five years and they do try to get the quickest response and for that they need roads. The county allowed developments to go in with no through roads, he explained, and so sometimes there is a problem with that but if it is in the City, the City can try to get the roads to go through. He explained about the constant effort to improve fire district/dept. response time.

Lt. Peterson, in charge of Dispatch, noted fire response is about 6 mins from the Grove St. station and police response time is no more than 5 minutes on an emergency, 10-12 minutes if it's not an emergency, he said.

Councilmember Baxter added paramedic fire fighters respond to every call and their training is done at Harbor View which is supposed to be the best training facility in the country.

Councilmember Herman asked about wetlands regulations and density/Sensitive Areas Ordinance compliance comparison and City Planner Hirashima explained as far as the density, the county also has the provision that if sewers are available the zoning can go to 9600 minimum and also whether they are in the City or the county they can go to 7200 (high density) if the topography will allow. She added Marysville has a Sensitive Areas Ordinance with buffer requirements depending upon the type of wetland; the county does have a lower wetland buffer requirement. The county also allows narrower roads but for the most part, the codes are very similar, she said.

Councilmember Bartholomew noted Fire District 8 (Lake Stevens) serves a portion of the proposed annexation area but City Planner Hirashima stated she believed it's a very small area and if this is annexed into Marysville, Marysville would take care of it.

Councilmember Baxter confirmed that it's actually in Marysville's "courtesy" area so that they are guaranteed coverage until Lake Stevens arrives.

City Planner said regarding the squaring up of boundaries this annexation would actually do a lot to square off City boundaries. She talked about petition signers in the area and how most of the area has come in piece by piece and there are advantages to having a larger annexation such as this although it took a lot of effort on the part of the proponent, a lot of canvassing of the area, a lot of door-to-door work by property owners that wanted to be included in the annexation.

Councilmember Baxter explained the Growth Management Act mandates higher density in some areas and Marysville has no control over that; sometimes people wonder why high density goes in, smaller lots, etc., that's mandated by the state.

Councilmember Leighan moved to accept the annexation as per staff recommendation. Councilmember Wright seconded and the motion passed unanimously.

NEW BUSINESS:

1. Police Officer Hiring.

Police Chief Dyer reviewed the agenda bill and stated he would like to expedite the replacement of an officer who has resigned as they also have one on disability. The \$10,688 is unbudgeted and it will take at least one month to fill the vacancy because of the resignation, he stated.

City Administrator Zabell stated the funds would come from unencumbered general reserve funds and there are sufficient funds available.

Councilmember Herman moved and Councilmember Leighan seconded to grant the request. Passed unanimously.

2. 1996 Police Vehicles.

Police Chief Dyer reviewed the agenda bill noting there are going to be only 800 vehicles allotted the State of Washington for 206 cities. The request is for \$75,000 for 4 vehicles, which is unbudgeted.

There was discussion about Ford Motors vs Chev availability, not knowing what's going to happen as far as manufacture of police vehicles in the future, mileage reviewed by Lt. Peterson. It was noted the average police vehicle is used 600 to 1000 miles per month and hopefully the mileage will start decreasing because of certain changes that are being made in the police dept., he said. There was discussion about cost comparisons of different types of vehicles.

Councilmember Baxter moved to reserve 4 police vehicles, also to check with Harris Ford to see if they have any left. Councilmember Myers seconded and after brief discussion about the ER & R program going out to bid very soon, the motion passed unanimously.

3. Agreement for Consulting Services, Fourth Year Monitoring at Wetland Mitigation Sites; Marysville Water Pipeline; Jones & Stokes Assoc., Inc.

Public Works Director Winckler reviewed the agenda bill and their was discussion about 5 major wetlands, replantings, other jurisdictions having filled in wetlands, county and DOE monitoring requirement, identification when we did the pipeline, liability issues, indemnification by the consultant.

Councilmember Baxter moved and Councilmember Myers seconded to authorize the Mayor to sign the agreement with the consultant as per staff recommendation. Passed unanimously.

4. Utility Variance; Boyden, Robinett & Assoc., Inc. UV 95-007.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends approval pending completion of the 6 million gallon reservoir, which is scheduled for construction 6/96.

Councilmember Baxter talked about the 16' wide streets within the subdivision which do not afford any turnarounds and there is a possibility this may be annexed into the City soon.

Councilmember Bartholomew stated her concern is that 16' wide streets are not wide enough for emergency vehicles and Councilmember Herman stated we should perhaps go on record ~~that we~~ ^{that we} ~~are not willing to serve subdivisions that do not meet Marysville's standards and we should make the county aware of this.~~ ^{that we have our concerns.}

Mayor Weiser stated we have made the county aware of this many times but areas that are within the UGB should be built to City standards, for example sidewalks on both sides of the streets, standard width of a street.

There was more discussion about bringing this to the county's attention again, compliance with 14.32.040, this being on a list of county subdivisions where there is some relaxation of standards, technical review meeting held by the county on affordable housing and more meetings planned involving Marysville, affordable housing should not impair/compromise safety standards, this is following county code, affordable housing including mobile homes, attached and detached garages in this subdivision, it being within the CWSP.

City Planner Hirashima said she would follow up with the county with regard to affordable housing definition, RUSA and UGB boundaries.

Rick McArdle of Shockey Brent, representing Boyden, Robinett & Assoc., addressed Council. He stated they have requested to come before the Council and Planning Commission to make a full presentation regarding improvements, streets, a detailed look at the project but there are absolutely no 16' wide streets-- they are all a minimum of 24' wide in the subdivision and they have only one cul de sac with excellent circulation within the project. There is a long history to this project, he said, and he added they would like the opportunity to make a presentation to the City and to be included within the City. There are two access points onto 100th as well as a connector (103rd) onto 67th, as well as two public road stubs, he added.

Councilmember Bartholomew said she would be in favor of the project, with a presentation and contingent upon completion of the 6 million gallon reservoir.

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the utility variance as per staff recommendation. Passed with Councilmember Leighan against.

5. Utility Variance James Klein; UV 95-006.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends approval.

Councilmember Baxter moved for approval of the variance and Councilmember Bartholomew seconded.

Discussion followed about there being a health hazard and this should be included in the resolution; also one of the conditions will be for the applicant to sign an annexation covenant which is in direct conflict with the fact that the applicant has signed the Arlington petition for annexation. It was noted the RUSA code requires the applicant to sign an

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annexation covenant before being allowed utilities, circumstances may change and City Attorney Weed gave examples of four alternatives/scenarios that could result or allow the applicant to sign a Marysville annexation covenant.

The motion passed unanimously. (It was noted the resolution will be for a water hookup only.)

6. Utility Variance for Bud Darling; UV 95-002.

Public Works Director Winckler reviewed the agenda bill, noting staff recommends approval of 27 water only connections. He stated the property is within Arlington's CWSP however the City of Arlington has provided a letter saying they can't provide water to that area.

Councilmember Baxter moved and Councilmember Herman seconded to grant the variance request.

City Administrator commented that the Arlington Mayor has stated they will be providing water and sewer to that area however no action has been taken.

There was discussion about the CWSP which is the jurisdiction of the county to set boundaries, Marysville is the only purveyor in the area, discussion about eligibility to annex into Marysville.

The motion passed unanimously.

7. Utility Variance; HKS Partnership; UV 93-015.

Public Works Director Winckler reviewed the agenda bill, noting this is within Marysville's CWSP and the request is for 26 water and sewer connections. Staff recommends approval with the condition that the existing main charges are satisfied.

Harland McElhany of Harsen & Assoc., representing the applicant, addressed Council and talked about the difficulty of calculating the capacity of a 12" line but noted it is at minimum gradient. He said he did do a capacity calculation at one time and does believe it's adequate to serve up to 1000 residences. He asked about the imposition of line charges of ULID 10, noting Smokey Point Mobile Home Park did not have this condition.

It was then determined that Klein's property is north of 172nd and there was discussion about the west side of the freeway, UGA, latecomers' contracts.

Mr. McElhany noted Crystal Tree Village was allowed in the ULID on a pro rata basis with a latecomers fee.

City Administrator Zabell explained HKS Partnership fee would be calculated in a similar manner and it would be up to City Council as to how the recovery fees are disbursed.

There was more discussion about additional latecomers, parity for all concerned.

Councilmember Bartholomew moved and Councilmember Baxter seconded to approve the variance request subject to recovery of ULID 10 charges and subject to conditions of 14.32.040 second paragraph. Passed unanimously.

8. Consortium Services Agreement; Assoc. of Washington Cities.

Councilmember Herman talked about the CT requirement/costs for the same type of contract and encouraged further investigation prior to finalizing this agreement. There was discussion about testing, fees, policies.

Councilmember Herman then moved to authorize the Mayor to enter into an agreement after investigation of alternatives with the county, school districts, CT, hospitals, for cost comparisons. Councilmember Myers seconded and the motion passed unanimously.

ORDINANCES & RESOLUTIONS:

1. Ordinance Adopting Regulations, Procedures & Standards for the BP, GI and LI Zones & Amending Chap. 19.60 of the MMC.

There was discussion about the item at the top of page 8, (h) regarding no uncovered outside storage and it was explained this was taken from the existing code. Because there is no enforcement intended, this could be struck.

Councilmember Bartholomew moved and Councilmember Myers seconded to approve/adopt Ordinance 2042, striking (h) on page 8 as discussed. Passed unanimously.

2. Resolution Reaffirming City's Policy for Utility Service for Areas Outside the Marysville City Limits.

It was decided to continue this when the Resolution has been reviewed by Council, next Monday, Sept. 12, 1995.

LEGAL MATTERS: None.

ADJOURNMENT INTO EXECUTIVE SESSION: 9:43 p.m.

- 1. **Litigation.** See Below
- 2. **Personnel.** No Action
- 3. **Real Estate.** No Action

RECONVENED: 10:38 p.m.

Councilmember Herman moved and Councilmember Bartholomew seconded to cancel the 9/25/95 public hearing regarding Kellogg Marsh Annexation. Passed unanimously.

ADJOURNED: 10:39 p.m.

Accepted this 11th day of September, 1995.

David Weaver
MAYOR

Mary E. Johnson
CITY CLERK

Manda K. Swenson
RECORDING SECRETARY