

Original

**MINUTES RECAP**

MARYSVILLE CITY COUNCIL MEETING MARCH 25, 1996

101

CALL TO ORDER: 7:00 p.m.

ROLL CALL: All Present

MINUTES OF PREVIOUS MEETINGS: 3/11/96 Approved

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Approved:

- 1. Approval of 3/25/96 Claims in the amount of \$536,031.00; paid with check nos. 28369 through 28587 with voided check numbers 27676, 27886, 28095 and 28126.

STAFF'S BUSINESS:

- 1. Beach Party Blowout - 3/30/96 Information Only

MAYOR'S BUSINESS:

CALL ON COUNCILMEMBERS:

PRESENTATIONS:

- 1. Police & Fire Memorial Committee Report. New Library location Approved for Memorial
- 2. Soroptomist Donation. \$3,000 Donated towards Welcome to Marysville Sign

REVIEW BIDS:

- 1. 1994/95 Water System Improvements Bid awarded to Surface Telemetry System Upgrade. Interface, Inc.
- 2. LID No. 65 Sanitary Sewer; 84th St. NE & 45th Av. NE Bid awarded to Brad Mason Trucking & Excavating
- 3. Forward Control Step Van Bid Awarded to Blade Chevrolet

CURRENT BUSINESS:

- 1. Discussion of Mayor's Position Continued to 4/1/96 (cont. from 2/26/96)

NEW BUSINESS:

- 1. Welcome to Marysville Sign; Budget Amendment Request. Approved
- 2. Police Officer Hiring. Approved
- 3. Util. Var. Gary Ball/John Robinett, 2988 188th St. NE, Arl. UV 96-004 Approved
- 4. Util. Var. Johnson Properties, Inc. 35th Av., SR 531; UV 96-006 Denied
- 5. Util. Var. Chase Development; 32XX 172nd St. NE; UV 96-007 Denied
- 6. Util. Var. J & D Builders, Inc. 100th St., 67th Av. NE; UV 96-008 Approved
- 7. Util. Var. K. Lam; 16820 Smokey Pt. Blvd.; UV 96-009 Denied
- 8. Util. Var. C. Valiquette; 5108 133rd Pl. NE; UV 96-010 Approved
- 9. Financial Report for Yr. Ended 12/31/95 Ord. 2063 Approved

ORDINANCES & RESOLUTIONS:

- 1. Ord. 2064 Approved annexing area known as 51st St. Pump Station Site into the City of Marysville.
- 2. Ord. 2065 Approved annexing area known as Kellogg Marsh Reservoir Site Annexation Area into the City of Marysville.
- 3. Ord. 2066 Approved annexing area known as Island Crossing Lift Station Site Annexation Area into the City of Marysville.
- 4. Ord. 2063 Approved amending 1995 Budget & Providing for the increase of certain expenditure items as budgeted for in 1995.
- 5. Ord. 2067 Approved relating to Utility Main Charges and Amending MMC 14.07.020.
- 6. Res. 1787 Approved denying utility variances for Ralph & Mary Ann Monty Properties located at 167th St. & Smokey Pt. Blvd.
- 7. Res. 1788 Approved denying Utility Variance for Vine Street Commercial Partnership Property located at 3704 172nd Av. NE.

ADJOURNMENT INTO EXECUTIVE SESSION: 10:48 p.m.

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

RECONVENED & ADJOURNED: 11:34 p.m.

MARYSVILLE CITY COUNCIL MINUTES

MARCH 25, 1996

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor  
Councilmembers:  
Donna Wright, Mayor Pro Tem  
John Myers  
Ken Baxter  
Donna Pedersen  
Mike Leighan  
Otto Herman  
Shirley Bartholomew  
Administrative Staff:  
Dave Zabell, City Administrator  
Steve Wilson, Finance Director  
Grant Weed, City Attorney  
Ken Winckler, Director of Public Works  
Eric Thompson, Senior Planner  
Bob Dyer, Police Chief  
Jim Ballew, Parks & Recreation Director  
Wanda Iverson, Recording Secretary

00132

CORRECTED: SEE 4/1/96  
MINUTES

CALL TO ORDER:

Mayor Weiser called the City Council meeting to order and led the pledge of allegiance, at approximately 7:00 p.m.

ROLL CALL:

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

MINUTES OF PREVIOUS MEETINGS:

There being no corrections, Councilmember Bartholomew moved and Councilmember Myers seconded to approve the 3/11/96 minutes as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. **Approval of 3/25/96 Claims in the amount of \$536,031.00; paid with check nos. 28369 through 28587 with voided check numbers 27676, 27886, 28095 and 28126.**

Councilmember Herman moved and Councilmember Bartholomew seconded to approve Consent Agenda Item #1. Passed unanimously. (Councilmember Baxter abstained on Voucher #28505 and Councilmember Leighan abstained on Voucher #28575.)

STAFF'S BUSINESS:

City Administrator Zabell reported there was a meeting on the City Hall project; it's been framed in, walls going up on the vault, the whole project is going along pretty well, he said. He referred to a memo he passed out from AWC with regard to serving on four boards listed with vacancies.

City Attorney Weed reported the Adult Use Committee has completed their work and the Planning Commission has conducted hearings and are making recommendations to Council. There will be a public hearing 4/8/96 (Council meeting) and Mary Swenson is putting together a notebook for each member of the Council on adult use issues, he said.

Public Works Director Winckler reported on two small change orders for the reservoir project, one involving a waterline connection and also the construction of a temporary roadway access on Hewitt. He also reported on a change to the Robinson Construction utility relocation and landscaping modifications near the reservoir. These items can be handled administratively because the changes only

amount to 3.6% of the total project, he said.

Public Works Director Winckler asked for approval to purchase galvanized festival banner poles at a cost of approx. \$8,300.00.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve the approval of festival banner galvanized poles as recommended by staff. Passed unanimously.

Public Works Director Winckler reported there will be a Solid Waste Committee Meeting on 3/27 at the Public Works Building. He also reported there will be a City of Snohomish Wastewater Treatment Facility Open House 3/30 from 10 to 2.

Tara of Marysville Parks & Recreation Dept. reported on the upcoming 3/30/96 "Beach Party Blowout" for the whole family and put on by the Parks & Recreation Dept. in conjunction with Marysville School District. She noted a lot of the activities will be held at the MPHS pool, there will be a live concert from 3-5 p.m. and other activities. She said the first annual event will be funded by a grant from the Marysville Community Coalition.

MAYOR'S BUSINESS:

Mayor Weiser commended all involved on the excellent Safety Fair last Saturday.

CALL ON COUNCILMEMBERS:

Councilmember Wright reported there is an area where 47th & 51st merge and traffic goes south to 528 that the Traffic Safety Committee should look at because there doesn't seem to be a clear marking of the lanes.

Councilmember Pedersen said she felt the Safety Fair participants demonstrated excellent sportsmanship in the basketball game. She asked about lights in Comeford Park.

Parks & Recreation Director Ballew said they have been reviewing several types of light fixtures and the minimum that would have to be spent is \$35,000 because the electrical system would have to be redone and the irrigation system probably should be done at the same time in Comeford Park, he said. He said another thing he would like to see happen is tying this project in with future waterfront development and with an eye toward the future use of the old city hall, too. He reported they just installed four new lights in Jennings Park and that there was no damage this weekend in Jennings Park due to the smoke bomb.

Councilmember Pedersen asked about the purchasing manual and Finance Director Wilson said there is a possibility of using an Everett Community College student to help complete the manual and review policies from other cities; most departments have the draft manual.

Councilmember Pedersen said she would like to attend the upcoming AWC convention in the Tri Cities and would like to carpool with someone else who might be going also.

Councilmember Baxter noted there were two accidents recently on the newly resurfaced section of Grove, apparently due to sight distance problems that have surfaced with people now travelling faster, combined with people backing out of their driveways. He noted there is some real potential here for some bad accidents and the situation should be looked at as far as possibly putting in speed bumps to slow traffic down a bit.

Public Works Director Winckler said he would refer this situation to the accident review committee. There was brief discussion about buttons vs speed bumps vs a center line needing to be painted.

Councilmember Myers said he also was impressed with the excellent safety fair held this last Saturday and commended all involved.

Councilmember Bartholomew asked about the state examiner report being due and Finance Director Wilson said it is due the last week in May and the Finance Dept. is working on the report now. He noted it is a very long and complicated process.

Councilmember Bartholomew said she would like to add accolades for the Marysville Messenger, to staff and especially Doug Buell, for a very nice edition.

Councilmember Bartholomew referred to a letter that had been written to the DNR regarding a LEA grant proposal to purchase 250 acres of dairy farm.

Public Works Director Winckler explained the City would be a sponsor for a grant with a maximum of \$75,000 per sponsor so there are a number of organizations being solicited in order to purchase wetlands; this would give the City an opportunity to closely monitor diking and there would be no money expended out of the City's budget, he said. He added this is being coordinated through Matt Brady of the Extension Office.

Councilmember Bartholomew indicated she had a number of questions for the police dept. but would defer them until Chief Dyer had arrived.

Councilmember Baxter reported on his recent trip to Washington, DC. He said it is a hard place to know whether you did any good or not but he attended many sessions on surface water, naval housing, school funding, 136th St. financing, Indian gaming, clean water act, multiple tests for water, increasing water and sewer rates.

CORRECTED: SEE 41196 MINUTES

Councilmember Herman reported on his recent trip to Washington, DC on several transit issues, the main one being attempts to reauthorize ISETEA funds. He ~~said he~~ wished further information on something with regard to the way Bellingham's Planning Dept. implements the ordinance as far as having meetings with proponents in the field, meeting the one public hearing criteria and ending up with very few appeals. He wished further information on something regarding changes in land use permitting in accordance with ESHB 1724 and cited as an example Bellingham's planning dept. ordinance which requires public meetings prior to the hearing.

Councilmember Leighan asked about water based paint for striping the roads and Public Works Director Winckler said they have no comparison results yet but are doing a survey.

Councilmember Leighan asked if the boat launch was a capital investment project listed in the budget but Parks & Recreation Director Ballew said that was covered under Initiative 215 funding and no capital investment funds have been provided for the boat launch.

Process and that has resulted in a reduction of appeals.

PRESENTATIONS:

**1. Police & Fire Memorial Committee Report.**

Russ Cagmire of the Fire Dept. passed out a committee report and said they had an inspection of both sites, the Public Safety Bldg. and the new library. Also, the committee took a look at some alternate sites but the committee feels the new library is the most appropriate site for the memorial. He referred also to a letter handed out by the Police Dept. and stated the committee would strongly recommend that the memorial be placed at the new library as it is felt this would have the most exposure for the memorial. Also, it's a very quiet, serene area, and there would be more available public parking for an annual memorial. He noted this memorial is for all fallen police and firemen, but it's also for the survivors to remember them by.

Police Officer Wendy Wade addressed Council, stating she saw moms at the library with their children and people who walk around and look at the surroundings, not the same type of people who come to the Public Safety Building, she observed.

Firefighter Cagmire reported there was no opposition from the Fire Board when the idea of placing the memorial at the new library was presented to them and the Fire Board gave the Memorial Committee up to \$2400 to complete their task.

Councilmember Baxter said he chose not to make an issue of the location at the time of the board meeting but feels very strongly about the placement of the memorial, that it should be placed at the Public Safety Building. This is the only place the City does not have vandalism, he pointed out. Also, one of the fallen member's children has asked that the memorial be placed at the Public Safety Building and he added he knows several other people who agree. He said he knows the committee doesn't know who these people were, didn't know them personally but he did and he thinks the memorial would be more appropriately placed at the Public Safety Building where there are many school tours, lots of committee meetings, etc. The Friends of the Library are going to have statues, etc. at the new library and the library may need the room for future parking vs the memorial plaque, he concluded.

Sgt. Steve Winters addressed Council and said he did know Rudy Wright and he is keenly aware of Rudy's dedication. He noted all police and firefighters are candidates to be on the memorial and he would feel better if people came to spend intellectual time, quiet time, such as at the library, because they have had vandalism at the Public Safety Building, they have criminals around the building and it's just not the exposure he would like to see for the memorial. He added he realizes this is an emotional issue but the committee would like the memorial plaque placed at the library.

Councilmember Pedersen noted all the people she talked with (5) wanted it placed at the library, also but she can appreciate the other opinions. She said she thinks either site is acceptable but they do have more people with children going through the library. Also, the people making the choice today, putting their lives on the line, want this plaque at the library; the committee has made this recommendation and she said she thinks the Council should respect their decision.

Councilmember Bartholomew said she spoke with Rudy Wright's daughter and she was happy there was to be a memorial but did not really have a firm opinion about where it should be placed.

Councilmember Leighan noted the color has been chosen to compliment the library, a lot of care has gone into choosing the site and he would support the library.

Councilmember Herman said he appreciates each perspective; a memorial needs to be placed and that's the main thing.

Councilmember Pedersen moved to support the location chosen by the Memorial Committee, that the memorial be placed at the new library. Councilmember Leighan seconded the motion and it passed 6-1 with Councilmember Baxter against.

## **2. Soroptomist Donation.**

Parks & Recreation Director Ballew introduced Julie Schumacher, President of Soroptomist International.

Ms. Schumacher said the Soroptomists were pleased to have been approached about the "Welcome to Marysville" sign and they unanimously approved a donation of \$3,000 which is the largest single

donation they have made to Marysville. She presented the \$3,000 check to the Mayor and the reporter from the Marysville Globe took their picture. Mayor Weiser thanked her on behalf of the City.

REVIEW BIDS:

**1. 1994/95 Water System Improvements Telemetry System Upgrade.**

Public Works Director Winckler reviewed the agenda bill, noting staff is recommending the bid be awarded to Surface Interface Inc. in the amount of \$56,814 plus sales tax.

Councilmember Myers moved and Councilmember Leighan seconded to award the bid as per staff recommendation, after review of the contract by the City Attorney. Passed unanimously.

**2. LID No. 65 Sanitary Sewer; 84th St. NE & 45th Av. NE.**

Public Works Director Winckler reviewed the agenda bill, noting staff recommends award of the bid to Brad Mason Trucking & Excavating in the amount of \$195,748.47 plus sales tax per Hammond, Collier, Wade-Livingston recommendation.

There was extensive discussion about the dewatering requirements and bid specs, the contract actually being terminated by the City with the initial bid award (Lazer Construction) as there was a misinterpretation on the dewatering process.

Public Works Director Winckler noted the other bidders were informed about the misunderstanding on the dewatering and they did not wish to do the dewatering either and the City did not want to have a litigation situation arise.

Councilmember Herman talked about contractors who low ball bids and then want to file claims against the City; they may be subject to a 5% penalty. Councilmember Baxter agreed, noting the City needs to be careful from the outset on situations like this.

Councilmember Baxter then moved and Councilmember Bartholomew seconded to award the bid to Brad Mason Trucking & Excavating in the amount of \$195,748.47 plus sales tax per HCW-L recommendation. Passed unanimously.

**3. Forward Control Step Van.**

Public Works Director Winckler reviewed the agenda bill, noting staff recommends acceptance of the bid from Blade Chevrolet in the amount of \$33,522.73 including tax. It was noted that the majority of this has been budgeted for; there would be approximately \$3500 (\$3000 for assessories) unbudgeted.

Councilmember Pedersen moved and Councilmember Myers seconded to approve the purchase of the forward control step van as per staff recommendation. Passed unanimously.

NEW BUSINESS:

**1. Welcome to Marysville Sign; Budget Amendment Request.**

Parks & Recreation Director Ballew reviewed the agenda bill and referred to a drawing. He reviewed the costs outlined and noted there would be nursery assistance as well as other staff assistance and the hope is that the sign can be in place by the end of April.

There was considerable discussion about approaching other service organizations for donations to supplement the one from the Soroptomist Club, that perhaps the Chamber of Commerce should also be approached, discussion about visibility of the sign to motorists, how easily the lettering could be seen, that this shouldn't be an advertisement board for local businesses.

Councilmember Myers moved to authorize the budget amendment up to \$6,725.00, gratefully acknowledging the \$3,000 donation from the Soroptomist Club. Councilmember Wright seconded and the motion passed unanimously.

**2. Police Officer Hiring.**

Police Chief Dyer reviewed the agenda bill/request to replace an officer that has been out of service for 3 years and he said they won't his disposition for a year.

Councilmember Pedersen moved and Councilmember Baxter seconded to approve the hiring process for a replacement officer at an annual salary of \$28,735 (unbudgeted). Passed unanimously.

Councilmember Bartholomew took this opportunity to ask the Police Chief about the impact on Marysville since Everett enacted its anti-camping ordinance.

Police Chief Dyer said he has seen no impact to Marysville.

Councilmember Bartholomew noted there is a lot of concern in the community about rehabilitation/work release through the Dept. of Corrections for people that have been convicted of offenses such as murder, robberies, rape and these people are working in this community.

Police Chief Dyer acknowledged there are currently 25 active sex offender cases as an example of the Dept. of Corrections' caseload and he guessed this is a reflection on our community and crimes of today. He said the attempt is to put these people back into the community from which they came after rehabilitation.

CORRECTED: SEE 4/1/96  
MINUTES

Councilmember Bartholomew asked about a snatch and grab situation that occurred in a parking lot recently and what is being done about these things. She noted Marysville has been referred to as Crip territory and she referred to a letter from Ms. Drain of the PTSA.

Louise Conway and Lois Robertson

Chief Dyer said he doesn't think things are "out of control" as implied by Ms. Drain or headed that way; the officers can't handle every situation but he will follow this up with the PTSA. He thanked everyone involved at the Safety Fair this past weekend for making it such a success.

Louise Conway and Lois Robertson

**3. Utility Variance Gary Ball/John Robinett, 2988 188th St. NE, Arlington - UV 96-004.**

Public Works Director Winckler reviewed the agenda bill noting the property is inside City of Arlington's utility service boundary however the applicants were not signatories to the Arlington Annexation petition.

There was discussion about letters in the packets, annexation petition vs annexation covenant.

Councilmember Baxter moved and Councilmember Bartholomew seconded to approve the utility variance as per staff and RUSA Committee recommendation.

After more discussion, the motion was amended by the maker and second to require a letter from Arlington similar to the one the City of Marysville has received before for other applicants with regard to their not being able to serve the property and the approval of the utility variance being contingent upon receiving this letter.

The motion passed 6-1 with Councilmember Leighan against.

**4. Utility Variance Johnson Properties, Inc., 35th Av. & SR 531;  
UV 96-006.**

Public Works Director Winckler reviewed the agenda bill noting staff and the RUSA Committee have recommended denial as the property is within the area currently petitioned for annexation to the City of Arlington and the previous owner is a signatory to the petition certified on May 1, 1995 by Arlington.

Lane Johnson, 1207 N. Shore Dr., Camano Island, WA 98292, addressed the Council and passed around a large drawing of the property. He said he felt this is an exception to the City's rule they feel because the request was originally from Tosco to buy the property where the old Van's Tavern and Sandwich Barn used to be. Right now, the sale is on hold he said and they are reapplying for the utility variance on behalf of Tosco. They feel this is a special case because Van's Tavern and the Sandwich Barn had water and sewer service, there never was a covenant signed, the water line was put into Van's at no cost because the sewer service apparently was going to ruin the well. He said the covenant requirement may have come up later, but there are several properties in there that have Marysville water and sewer without a covenant having been signed.

Mr. Johnson also said when the RID was going in on Smokey Point Blvd., the City of Marysville knew they had the building permits in process and so the stubs were run to the adjacent properties; the water and sewer lines go through the Johnson property, the water line from the shopping plaza also runs along the property line, he said. He said actually, he was not sure if this was a variance or a continuance of a previous commitment--this property has had Marysville water and sewer since 1975. They started architectural work in 1987 and it took them until 1993 to get through their difficulty with the county and decided to sell but it has had water and sewer on it before. He pointed out that a covenant was not required for the Smokey Point Plaza and they do feel a covenant should not be required for Johnsons, either. He added that to lose this sale would mean a loss of approximately \$1.4 million.

Councilmember Pedersen asked about the addendum to the application and whether it was contingent on obtaining utilities. Mr. Johnson said the county said they could renew the building permits for another 18 months and it was not contingent on utilities. He added they are the current owners.

Councilmember Herman asked about current water and sewer connections and building permits/utility commitment letters and Mr. Johnson said the lines are actually still in the ground but they would not be used. The new building would have to install new lines; there are 2 water stubs in place now and any new development would connect to them. There is one sewer line. He said he thinks the tavern and sandwich barn were connected to water and sewer in 1975. He explained that the drawings were probably not going to be used now, that Johnsons are thinking of abandoning their plans and Tosco wants to put in a service station there with new plans, etc.

City Administrator Zabell noted utility commitment letters are good for 6 months.

Mr. Johnson said they are not arguing there was or was not a commitment letter; they are arguing there was utilities in use at the site and they wish that service continued.

CORRECTED: SEE 4/1/96  
MINUTES SJB "werc"

Councilmember Pedersen said she thinks their signing an annexation petition with Arlington makes a big difference.



Councilmember Baxter said he would like the attorney's opinion because this is a little different scenario.

City Attorney Weed said it depended on whether this would be considered a new service or an existing service and if it is a continuation of an existing service then there is no need for an annexation covenant, so if the service was provided in 1975 the annexation covenant requirement didn't come into play until 1978. As a new service, they would be required to be able to sign an annexation covenant which would not be possible as they have already signed an annexation petition for Arlington, he said.

Councilmember Baxter asked on an existing service, at what point it becomes a new service. In other words, how long does it need to be disconnected before reconnection is actually considered new service, he asked.

Councilmember Herman said he would also like to know when the City requires application for connection, eg. in the case of a demolition of a building?

City Administrator Zabell said it depends if the demolition is part of the new construction, then the new construction is given a credit; in this case, the new project is not connected to the demolition of the old buildings as they have been down for a number of years and another factor is the new lines vs old lines vs amount of water needed.

Councilmember Bartholomew asked about the county allowing an 18 month extension and City Attorney Weed said with the abandonment of Mr. Johnson's plan the new player would have to start over. He said he believes the UBC has provision for permit extension but that does not override a utility commitment letter which would expire pursuant to the Marysville Municipal Code.

Mayor Weiser noted there are 3 pieces of property with the service having been for one water and one sewer connection for each the tavern and sandwich barn.

Mr. Johnson confirmed this and said he understands Tosco would like 3 connections.

Councilmember Herman said he would like staff to review this situation, whether it requires a new application for service.

City Administrator Zabell said this would be considered a new service in view of the length of time since the buildings were demolished; as a variance they would need to be able to meet the MMC requirements.

Councilmember Myers moved and Councilmember Baxter seconded to deny the utility variance as per staff and the RUSA Committee recommendations. Passed unanimously.

**5. Utility Variance Chase Development; 32XX 172nd St. NE;  
UV 96-007.**

Public Works Director Winckler reviewed the agenda bill, noting the staff and RUSA Committee recommends denial as the previous owner is a signatory to the Arlington annexation petition certified on May 1, 1995 by Arlington and as such the applicant is unable to deliver a valid annexation petition or covenant to the City of Marysville as required by MMC 14.32.040.

Councilmember Pedersen noted Arlington has provided a letter saying service will be provided to the applicant.

Britt Hiatt, P. O. Box 122, Snohomish, WA 98290, addressed Council, representing the company immediately to the east of the

mall on 172nd, she said. She said they would like Marysville water and sewer, they have a short plat pending with the county. She explained the people who currently own the property, their general partner who is in Arizona is the one who signed the Arlington annexation petition and they would have signed with Marysville if they had asked them first. She said regardless what happens to Smokey Point, whether Arlington buys the lines or Smokey Point forms its own city, the lines need to go in and the applicant would like to have water and sewer granted. If the variance is only for 6 months they would have to initiate a project but they have no immediate plans, she said. She added that 10 connections is what they assume would be needed.

CORRECTED: SEE 4/1/96  
MINUTES s18 "Arizona"

City Attorney Weed referred to the letter from Arlington saying they could provide service but Ms. Hiatt said there are still questions about how Arlington is going to service the area. She said they have no idea how or when they were going to do that; she explained the process she has to go through for the county with utility letters from Arlington and Marysville.

Councilmember Leighan suggested Marysville writing a letter to Arlington explaining we can't grant these utility variances because of our code.

Councilmember Baxter moved and Councilmember Myers seconded to deny the variance request as per staff and RUSA Committee recommendations. Passed unanimously.

**6. Utility Variance J & D Builders, Inc., 100th St. & 67th Av. NE  
UV 96-008.**

Public Works Director Winckler reviewed the agenda bill, noting staff and RUSA Committee recommend approval of the utility variance for (2) water connections and no sewer connections, pending applicant meet all City of Marysville Municipal Codes.

Councilmember Pedersen left at 9:42 p.m.

There was discussion about the applicant possibly having to provide booster pumps for additional water pressure.

Councilmember Pedersen returned at 9:44 p.m.

Councilmember Wright moved and Councilmember Bartholomew seconded to approve the utility variance as per staff and RUSA Committee recommendations, with addition of language that the applicant may have to provide booster pumps. The motion passed 6-0 with Councilmember Pedersen abstaining.

**7. Utility Variance for Khanh Lam, 16820 Smokey Point Blvd.,  
UV 96-009.**

Public Works Director Winckler reviewed the agenda bill noting the recommendation is to deny the request for (1) water connection and (1) sewer connection, as the applicant is unable to deliver a valid annexation petition or covenant to the City of Marysville, as required by MMC 14.32.040.

Joe Yamaguchi, Architect, c/o 11820 Northup Way, Bellevue, addressed Council. He said he would like the denial to be reconsidered as his clients were led to believe there would be no problem with utilities and they cannot proceed without utilities.

City Attorney Weed explained some of the points in Mr. Zabell's letter to Mr. Robinett are appropriate to all these utility variance requests and suggested staff could provide a copy of that letter to these applicants. It was noted Mr. Zabell was responding to a form letter from Arlington.

Mayor Weiser noted in Mayor Kraski's letter of 2/27/96 Arlington does not acknowledge the Arlington annexation petition which many people signed in the Smokey Point area.

There was brief discussion about the contents of the letter.

Councilmember Baxter moved and Councilmember Bartholomew seconded to deny the utility variance request as per staff and the RUSA Committee recommendation. Passed unanimously.

**8. Utility Variance for Clarence Valiquette; 5108 133rd Pl. NE; UV 96-010.**

Public Works Director Winckler reviewed the agenda bill noting staff and the RUSA Committee recommend approval due to a failed septic system, subject to conditions/recommendations of staff.

Councilmember Pedersen asked about proof of it being a hardship for the applicant to extend the sewer main on 133rd Pl. NE vs 51st Av. NE.

City Attorney Weed said it needs to be clear that the City is not allowing the applicant to not pay at all for a line; it's a deferment of payment only in a hardship situation and there should be a way to determine hardship cases, he agreed.

Councilmember Pedersen asked if the deferment runs with the property and City Attorney Weed said it does.

Councilmember Herman talked about recovery and being consistent in conditions and Councilmember Leighan asked if other neighbors are having septic problems and whether it might be time to form an LID.

Public Works Director Winckler said there will be a neighborhood meeting soon to inform them of the options.

Clarence Valiquette, 5108 133rd Pl. NE, Marysville 98271, addressed Council. He said he has asked a couple neighbors and they have had no problems with their septic systems. He noted the Valiquettes are new to Marysville, having only arrived 15 months ago and this is the first home they have purchased. They were not aware that the septic was not in good repair when they purchased; this is something VA should have made them aware of when the home was purchased. Also, the roof went out, that should have been brought up as well as the failed septic system, he said. Also, he said he did not know he was responsible for two frontages as well as recovery charges on 51st. He said he doesn't understand if they paid it why he is being charged, too. He asked about the LID and how that works.

Councilmember Herman explained the connection fee would be a first time fee based on the frontage and with a corner lot you have to pay for two frontages.

Mr. Valiquette said as he understands it the LID would spread out the payments and he can live with that, but a lump sum up front would create a hardship for him at this time.

Councilmember Leighan said the LID payments would probably be spread out over 20 years and Mr. Valiquette said that would help. Right now he has a problem with his roof, needs to pay for road work and extension of the sewer line so an LID situation would be a lot better, he said. He added one other possibility is to go with what the county was talking about--they were supposed to have written a letter about there being enough room in the back of the property for a rebuild of the septic but then Mr. Valiquette would have to start all over with the sewer process at a later time.

Councilmember Baxter explained the 200' rule and Mr. Valiquette said the county told him about that. He added he has no problem signing up for an LID, connection, frontage, for a future buyer, whatever, but he would like to go ahead with a rebuild for now.

Councilmember Pedersen said she would like clarification from the health dept. as to whether it's a failed system and/or whether he can have it rebuilt.

Councilmember Herman explained the question before Council is if an emergency exists and whether Mr. Valiquette can defer sewer connection fees.

CORRECTED: SEE 4/1/96  
MINUTES SB "saying"

Mrs. Valiquette addressed Council, stating it was Peter Jorgenson with whom they were dealing with at the county/health dept. He apparently had a letter prepared but it has not been received yet. Also, she said they were going to sign a letter say they would like the deferred payment plan on the sewer LID. She noted that the financial hardship is such that the best thing would be if they could rebuild the septic, even though they are within 200' from the sewer line.

City Attorney Weed explained the letter they were to sign is a contract that is a promise saying that Valiquettes could have to pay a lump sum down the road because the formation of an LID can't be guaranteed by the City.

Mr. Valiquette said he understands this but they can't sign a letter like that because they need some time so they can line up some finances.

Councilmember Baxter pointed out that the price of repair may not be so much lower than hooking up to the sewer.

Mrs. Valiquette argued that the rebuild would buy them some time. It's just for a new drain field and a baffle, she said. Mr. Valiquette added the previous owners failed to mention all this.

Councilmember Herman said that's a question the Valiquettes need to sort out with the health dept. but they need to get the letter from the health dept. stating the system is failed.

Mr. Valiquette said he would like to hook up to the sewer but the cost is astronomical.

Councilmember Herman read the recommended action to the applicants and Mr. Valiquette asked about the sewer tee connection on 51st. Public Works Director Winckler said they could actually connect to the main nearest to them.

After Mr. Valiquette stated he understood the recommendations and conditions of approval, Councilmember Herman moved and Councilmember Bartholomew seconded to approve the utility variance request for sewer pending the applicant obtains a letter from the Dept. of Health on the status of existing septic system, and the applicant is able to sign an agreement that when the sewer main is extended along 133rd Pl. NE (private extension or formation of an LID), they would pay the recovery fees or assessment fees. The applicant would also be required to submit a valid annexation covenant to the City of Marysville.

The motion passed unanimously.

**9. Financial Report for the Year Ended December 31, 1995.**

Finance Director Wilson commented on the process of putting together the annual finance report to the state. He reviewed the reports in the packets for 1994 and 1995 revenues, expenditures and fund balances.

Councilmember Herman moved and Councilmember Bartholomew seconded to adopt Ordinance 2063 approving the Budget Amendment as presented. Passed unanimously.

ORDINANCES & RESOLUTIONS:

1. **Ordinance annexing area known as 51st St. Pump Station Site into the City of Marysville.**

Councilmember Wright moved and Councilmember Bartholomew seconded to adopt Ordinance 2064. Passed unanimously.

2. **Ordinance annexing area known as Kellogg Marsh Reservoir Site Annexation Area into the City of Marysville.**

Councilmember Wright moved and Councilmember Myers seconded to adopt Ordinance 2065. Passed unanimously.

3. **Ordinance annexing area known as Island Crossing Lift Station Site Annexation Area into the City of Marysville.**

Councilmember Pedersen moved and Councilmember Bartholomew seconded to adopt Ordinance 2066. Passed unanimously.

4. **Ordinance amending 1995 Budget & Providing for the increase of certain expenditure items as budgeted for in 1995.**

Ordinance 2063 approved under Item #9 under New Business above.

5. **Ordinance relating to Utility Main Charges and Amending MMC 14.07.020.**

Councilmember Myers moved and Councilmember Baxter seconded to adopt Ordinance 2067.

City Administrator Zabell explained this ordinance provides for recovery as per MMC on city mains and every effort will be made to keep the map up to date along with the main charges. The motion passed unanimously.

6. **Resolution denying utility variances for Ralph & Mary Ann Monty Properties located at 167th St. & Smokey Pt. Blvd.**

Councilmember Herman moved and Councilmember Myers seconded to adopt Resolution 1787. Passed unanimously.

7. **Resolution denying Utility Variance for Vine Street Commercial Partnership Property located at 3704 172nd Av. NE, Arlington.**

Councilmember Pedersen moved and Councilmember Baxter seconded to adopt Resolution 1788. Passed unanimously.

CURRENT BUSINESS:

1. **Discussion of Mayor's Position (cont. from 2/26/96).**

Councilmember Leighan moved and Councilmember Bartholomew seconded to postpone this again to 4/1/96 due to the late hour. Passed unanimously.

ADJOURNMENT: 10:48 p.m.

EXECUTIVE SESSION: 10:58 p.m.

1. **Real Estate.** (No Action)
2. **Litigation.** (No Action)

RECONVENED & ADJOURNED: 11:34 p.m.

Accepted this 1st day of April, 1996.

David Waser

MAYOR

Mary P. Swenson

CITY CLERK

Wanda A. Swenson

RECORDING SECRETARY