

MINUTES RECAP

MARYSVILLE CITY COUNCIL MEETING

MARCH 22, 1999

CALL TO ORDER:

7:00 p.m.

ROLL CALL:

Councilmember Dierck exc.

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting; 3/8/99

Approved

AUDIENCE PARTICIPATION:

None

CONSENT AGENDA:

Approved:

1. Approval 3/22/99 Claims in the amount of \$701,219.61; paid by check nos. 43905 through 44217 with check nos. 43857, 44000, 40762, 43727, and 43944 Void.
2. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone, Preliminary Site Plan & Preliminary Plat with Conditions; Cedarcrest Greens II.
3. Authorize Mayor to Sign Interlocal Agreement Between City of Marysville and Washington State Dept. of Transportation for the SR 528 (55th Dr. NE to SR 9) Overlay Project.
4. Accept 88th St. Lift Station Project as Complete and Begin the 45-Day Lien Filing Period.
5. Approve and Authorize Mayor to Sign Agreement with Tim Nordtvedt dba Pacific Rim Code Services for Plan Check Services.

ACTION ITEMS:

Review Bids

1. Sound System for City Council Chambers & Municipal Court Room & Approval of Budget Amendment Ordinance 2243. Approved & Bid Awarded to Morgan Sound - \$22,118.29.

Public Hearings

2. Grace Husby Annexation; PA 9811064. Approved
3. Closed Record Appeal; Valley View Estates; Remand Hearing on Condition No. 12 of Hrg.Examiner Decision Hrg.Examiner Decision Approved; Appeal Denied
4. Utility Var. Extension Request; 3WD, Inc.; 18001 27th Ave. NE; UV 98-02. Approved 6-0
5. Utility Var. Extension Request; RLDS Church; 9629 67th Ave. NE; UV 95-016. Approved 6-0
6. Appointments to the Community Television Advisory Committee. Kris Passey Approved 5-1 Walt Taubeneck Apprvd 6-0
7. Ash Ave. Park & Ride Lot Expansion Scheme A Approved 4-2
8. Animal Shelter Agreement between the City of Everett & City of Marysville. Approved 6-0

Ordinances & Resolutions

1. Ord. 2238 Approved 6-0 Amending Ordinance 2068 Relating to the Marysville Growth Management Comprehensive Plan and approving Recommendations of the Marysville Planning Commission with Revisions for 1998 Text and Map Revisions Pursuant to the City's Annual Amendment and Update Process.
2. Ord. 2239 Approved 6-0 Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Bill Roberts, Harvey Jubie and Jay and Kathy Wright, Amending the Official Zoning Map Previously Adopted in Ordinance No. 772.
3. Ord. 2240 Approved 6-0 Affirming Hearing Examiner Decision and Rezoning Property Owned by Morgan Cartwright and Amending Official Zoning Map Previously Adopted in Ordinance 772.
4. Ord. 2244 Approved 5-1 Amending MMC 5.20.050 Relating to Operating rules and regulations for Entertainment Clubs and Establishing a Sunset for Said Amendments.

INFORMATION ITEMS:

1. Mayor's Business
2. Staff's Business
3. Call on Councilmembers
4. Planning Commission Minutes; Feb. 9, 1999.

ADJOURNED:

9:01 p.m.

EXECUTIVE SESSION:

9:10 to 9:12 p.m.

RECONVENED:

9:12 p.m.

EXECUTIVE SESSION:

9:13 to 10:09 p.m.

1. Pending Litigation
2. Real Estate
3. Personnel

No Action

No Action

No Action

RECONVENED & ADJOURNED:

10:09 p.m.

MARYSVILLE CITY COUNCIL MEETING

00096

MARCH 22, 1999

7:00 p.m.

Council Chambers

Present: Dave Weiser, Mayor
Councilmembers:
Donna Wright, Mayor Pro Tem
Donna Pedersen
Brett Roark
NormaJean Dierck (excused)
Mike Leighan
Otto Herman, Jr.
Shirley Bartholomew
Administrative Staff:
Steve Winters, Police Commander
Dave Zabell, City Administrator
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Ken Winckler, Public Works Director
Owen Carter, City Engineer
Roger Kennedy, Fleet/Facilities Manager
Wanda Iverson, Recording Secretary

CALL TO ORDER:

Mayor Weiser called the meeting to order and led us in the flag salute.

ROLL CALL:

Mayor Weiser asked the Recording Secretary to note all those present/absent (as indicated above).

MINUTES OF PREVIOUS MEETINGS:

1. City Council Meeting; March 8, 1999.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve the March 8, 1999 minutes as written. Passed unanimously.

AUDIENCE PARTICIPATION FOR NON-AGENDA ITEMS: None.

CONSENT AGENDA:

1. Approval 3/22/99 Claims in the amount of \$701,219.61; paid by check nos. 43905 through 44217 with check nos. 43857, 44000, 40762, 43727, and 43944 Void.
2. Affirm Hearing Examiner's Recommendation to Approve Request for Rezone, Preliminary Site Plan & Preliminary Plat with Conditions; Cedarcrest Greens II.
3. Authorize Mayor to Sign Interlocal Agreement Between City of Marysville and Washington State Dept. of Transportation for the SR 528 (55th Dr. NE to SR 9) Overlay Project.
4. Accept 88th St. Lift Station Project as Complete and Begin the 45-Day Lien Filing Period.
5. Approve and Authorize Mayor to Sign Agreement with Tim Nordtvedt dba Pacific Rim Code Services for Plan Check Services.

It was requested that Items 2 & 3 be voted on separately, after discussion.

Councilmember Bartholomew moved and Councilmember Herman seconded to approve Consent Agenda Items 1, 4 and 5. Passed unanimously.

On Item 2, Councilmember Herman asked about buffer reduction and guarantees for meeting future standards and City Planner Hirashima explained the applicant is required to provide wetland mitigation/ plantings and there are two other similar plantings in adjacent subdivisions which have been successful.

Councilmember Leighan asked about school mitigation fees and City Planner Hirashima said they had been prepaid as the applicant did not realize they would be vested under the old plan/fee schedule.

Councilmember Leighan asked about the \$4100 credit on traffic mitigation and City Planner Hirashima explained how this was calculated.

Councilmember Herman commented that perhaps the City's Sensitive Areas Ordinance needs to be reviewed and then he moved to approve Consent Agenda Item #2. Councilmember Leighan seconded and the motion passed unanimously.

Under Item 3, Councilmember Leighan asked about the State's involvement on the SR 528 overlay and City Engineer Carter said they would be participating on the portion from 55th to 67th and from 83rd to Hwy. 9. Public Works Director Winckler added some comments also.

Councilmember Bartholomew moved and Councilmember Wright seconded to approve Consent Agenda Item #3. Passed unanimously.

ACTION ITEMS:

Review Bids

1. Sound System for the City Council Chambers and Municipal Court Room and Approval of Budget Amendment Ordinance No. 2243.

Fleet/Facilities Manager Kennedy noted Morgan Sound would not be able to install the system for 4-5 weeks.

After brief discussion, Councilmember Bartholomew moved and Councilmember Roark seconded to accept the bid from Morgan Sound in the amount of \$22,118.29, including extended warranty and service contract as outlined by Fleet/Facilities Manager Kennedy (the extended warranty payment would come out of next year's budget). Passed unanimously.

Public Hearings

2. Grace Husby Annexation; PA 9811064.

City Planner Hirashima briefly reviewed the request.

Janet Keefe, 9032 56th Ave. NE, addressed Council. She explained she is Grace Husby's daughter and they felt this was a natural action to take as adjacent property has been annexed.

Councilmember Herman moved and Councilmember Bartholomew seconded to approve the request for 100% annexation, subject to the City's bonded indebtedness, comprehensive plan designation of High Density Single Family and zoning of R-6.5. Passed unanimously.

3. Closed Record Appeal; Valley View Estates; Remand Hearing on Condition No. 12 of Hearing Examiner Decision.

Councilmember Bartholomew disclosed she had an attempted ex parte communication telephone call from Jerry Royal and she told him it was not appropriate; she does not feel she has been biased because of this, she said.

City Attorney Weed reviewed the process of a closed record appeal:

- Councilmember disclosures of any conflicts of interests or appearance of fairness issues
- Appellant or representative challenges to Council
- Staff report
- Applicant's or representative's 5 minute summation
- Council deliberation/decision.

There were no further disclosures from Councilmembers and no challenges from the applicant (Jerry Royal).

City Planner Hirashima gave a brief staff report and clarified

that the rezone has been approved for the project but Condition No. 12 has been remanded. She noted testimony was received from both of abutting property owners on Conditions 12 & 13 and it was formalized about the fence. The lot 1 & 2 issue has also been addressed, she said. She reviewed replacement language for Condition No. 12. It was also noted that City Councilmembers received full copies of the subject file.

Jerry Royal, 8111 84th St. NE, addressed Council. He read from a prepared statement, noting he proposed to create 13 lots, two of which are separated by a steep gully. He explained they tried to come up with a different design for the cul de sac/turnaround but it would cost them \$75,000 the way the City has suggested. He referred to a 12/31/98 letter from the Fire Dept. saying they are happy with the cul de sac the way it is and he said he doesn't think the City should be requiring him to put in a new cul de sac as there is no impact to Lots 1 & 2 and the Fire Dept. is happy with it. The condition the City wishes to impose is not solving the problem, he contended and cited a case involving the California Coastal Commission vs Nolans regarding the Nolans building on the coast of California where the condition imposed would not solve the situation. He noted in this case, the Nolans challenged the California Coastal Commission on their beach lot. He further stated the City of Marysville is putting a burden on him to satisfy a condition that would cost him anywhere from \$30,000 to \$75,000 which is not proportional to the cost of his two lots.

He pointed out that the area is geographically distinct from the rest of the land and his two new lots are not going to cause any problems. He concluded that he didn't create, design or build the existing cul de sac nor did he build the existing home.

This portion of the Closed Record Appeal was closed at 7:34 p.m.

Councilmember Herman noted it is not uncommon for the City to require street improvements but said he could understand Mr. Royal's perspective, too. He also noted the applicant's proposal would actually include the neighboring home.

There were no further comments from Council and so Councilmember Herman moved and Councilmember Bartholomew seconded to approve the Hearing Examiner's decision and deny the applicant's appeal. Passed unanimously.

4. Utility Variance Extension Request; 3WD, Inc.; 18001-27th Ave. NE, UV 98-02.

Public Works Director Winckler briefly reviewed the request.

Councilmember Pedersen moved and Councilmember Roark seconded to approve the request. Passed unanimously.

5. Utility Variance Extension Request; R.L.D.S. Church; 9629 67th Ave. NE, UV 95-016.

Public Works Director Winckler briefly reviewed the request.

William John Crittenden, Attorney, 1721 Hewitt, Everett 98201, addressed Council and handed out a four paged letter dated March 22, 1999 with enclosures, in support of their request for water and sewer connection/extension. He noted this has been approved and extended once before; the conditional use permit was granted in February and they are now in a position to move forward. Mr. Monson and Pastor Murphy are available here tonight, also, he said.

Pastor Scott Murphy, 1733 116th Av. SE, Everett, WA 98205, addressed the Council, stating it is the church's deep desire to be a part of the community and hopefully be a positive contributor to the community. He said he hopes to move forward as soon as possible with this project.

Stewart Monson, Project Manager, 1631 Rucker, Everett, addressed Council. He thanked City Council for consideration of the utility variance and said he will be the project manager for the project. He made himself available for questions.

Councilmember Leighan asked about the open space and Mr. Monson said about 67% of the site will stay as is, undisturbed open space.

Councilmember Roark asked why this extension request did not come up before the last one expired and Mr. Monson said they were hoping it would come before the hearing examiner sooner as well as the county process being protracted.

No one further from the audience wished to give input at this time and so this portion of the public hearing was closed at 7:47 p.m.

Councilmember Herman asked about a statement of no objection from the county and it was noted this still needs to be obtained.

Councilmember Leighan asked if granted, if the one year extension would be from 12/11/98, i.e. the applicant would be over 3 months into their extension already and City Attorney Weed said that would be the case.

City Planner Hirashima commented on the Snohomish County Hearing Examiner decision and Mr. Monson indicated he wished to speak again.

It was moved, seconded and passed unanimously to reopen the public input portion of the public hearing at this time.

Mr. Monson referred to the site plan and explained they are assuming they would get services they got before; they meet CUP requirements of the county and understand the need for a letter from the county regarding "no objection" to Marysville serving water and sewer.

The public testimony portion was reclosed at 7:51 p.m.

Councilmember Leighan moved and Councilmember Roark seconded to approve the one year extension to 12/11/99. Passed unanimously.

6. Appointments to the Community Television Advisory Committee.

As per the agenda bill, Mayor Weiser recommended Kris Passey as the representative from the Chamber of Commerce and Walt Taubeneck as a non-profit organization representative, for his appointments.

Councilmember Bartholomew moved and Councilmember Herman seconded to affirm the appointment of Kris Passey. Passed 5-1 with Councilmember Roark against.

Councilmember Wright moved and Councilmember Leighan seconded to affirm the appointment of Walt Taubeneck. Passed unanimously.

7. Ash Avenue Park and Ride Lot Expansion.

City Engineer Carter reviewed the agenda bill and showed sketches and aerial photos. He compared "Scheme A" (staff recommendation) with "Scheme B" which seemed to get a little more interest at the open house. The third option was to do nothing and that also received a couple votes at the open house (only 11 people in attendance plus staff), he said.

Scheme A would provide 202 stalls, Ash would remain two way and there would be 14' wide lanes. Scheme B would change Ash into one way going southbound, but with an interior roadway going northbound and there would be more landscaping.

He introduced Todd Jacobs from Community Transit.

Todd Jacobs, Community Transit Capital Facilities Planner, addressed Council, noting they are working on developing park and pool areas, such as at the United Methodist Church where they have 36 stalls. He said it is difficult to acquire land in Marysville; they have looked at numerous sites and are trying to get a transit center in downtown Marysville for shoppers, eg.

Councilmember Pedersen asked what they considered "downtown" and Mr. Jacobs said somewhere around 4th & State or Cedar would be good for CT's routes; they have talked to some of City staff about possible sites for transit facilities. He added that in looking at the proposals being presented here, there would be sidewalks and street trees and also currently, the bus stop is on the south of 4th St. and this could be an opportunity to have a shelter on Ash, in a commercial area which he thinks would draw shoppers, he said. He noted with the one way option, there is more room for landscaping, lighting, etc.

Councilmember Pedersen commented that there is far more parking needed for commuters.

Mr. Jacobs agreed, stating CT has been working with the City staff and Pertee Engineering as well as working on potential grants and are interested in working on more projects, eg. with the TIB for an 80 stall parking lot in the near future.

Councilmember Herman commented on funding, direction for Council, location of future transit facilities.

Councilmember Leighan commented on gateway appearance, commuter source.

Mr. Jacobs said they do try to keep the park and ride lots located near I-5; they also try to encourage parking closer to the commuters' homes. He remarked on Boeing parking needs and some availability of funding from Boeing/matching funds.

Councilmember Leighan noted downtown may be a poor location as it might increase traffic and Mr. Jacobs said they think of it as a transfer station.

Councilmember Roark asked about overflow from other park and ride lots, eg. he knows 116th has more commuters than spaces available and he asked if there were any plans in the works for alleviating this problem.

City Engineer Carter concurred, stating Marysville needs an additional 100 spots right now, he estimated.

Mr. Jacobs said CT strives to balance the service to the parking.

Councilmember Herman commented that he knows Route 421 is at times full; it comes from the east and ends up in Seattle. Route 421 basically alleviated downtown commuter traffic by collecting it early on, so Boeing service might be reviewed here.

Mr. Jacobs commented that the Ash Park & Ride is at 100% capacity with 50 to 70 stalls and there is some overflow. Some people go across to the flyer stop on I-5, he said.

There was discussion about Scheme A meeting the future need, possibly creating a problem in trying to solve another problem.

City Engineer Carter noted the project is not funded so the City would be seeking grants from TIB, federal funds, Boeing mitigation money, before they could proceed.

Jeff Seibert, 5004 80th St. NE, addressed Council. He said he likes the idea of having the bus pick him up close to his house but right now the timing is poor; he has to drive to the park and ride lot in order to catch the bus to Boeing or he would not get to work on time.

Councilmember Roark reiterated that he does not want to see the parking overflow downtown that there is now at 116th. He said he also has concerns about vandalism and impacts to residents and businesses in the area of the proposed park and ride expansion.

Councilmember Pedersen moved to direct Public Works to proceed with design of Scheme A and to seek funding for the project from 5th to 9th St. Councilmember Wright seconded and the motion passed 4-2 with Councilmembers Leighan and Roark against.

8. Animal Shelter Agreement Between the City of Everett and the City of Marysville.

Mayor Weiser commented on the letter from the City of Arlington and there was discussion about the Arlington vs Everett animal shelter policies, fee structure.

City Attorney Weed said he suggested 3 changes in Everett's agreement: Title 6 should be Title 10, on page 2 there is a typo where the word "that" should be "than" and it should be 60 days vs 30 days advanced notice. Also, #11 in Arlington's agreement should be in Everett's agreement--for Marysville to be allowed to review the records. He said Everett has agreed to these changes.

Jeff Seibert, 5004 80th NE, addressed Council, asking if people can still drop off stray animals at the Arlington Shelter if Marysville signs an agreement with Everett.

Commander Winters said technically, people would have to take animals to Everett if this agreement with them is approved, otherwise Arlington would charge Marysville.

Mr. Seibert noted it is a lot easier for him, with his working hours, to be able to drive to the Arlington Shelter vs the Everett Shelter; he said he barely makes it to Arlington as it is and traffic to Everett is worse. He said he has a lot of stray dogs and cats that just seem to migrate to his property.

There was discussion about Everett having a 24 hour drop off place, differences between the Arlington and Everett facilities, possibly having a joint facility to share with Arlington, jurisdictions and keeping track of individuals' addresses.

Councilmember Pedersen moved and Councilmember Leighan seconded to authorize the Mayor to sign the agreement with Everett from May 1, 1999 to April 30, 2000, including the changes outlined by the City Attorney. Passed unanimously.

ORDINANCES & RESOLUTIONS:

- 1. Ordinance No. 2238 of the City of Marysville, Washington Amending Ordinance No. 2068 Relating to the Marysville Growth Management Comprehensive Plan and approving the Recommendations of the Marysville Planning Commission with Revisions for 1998 Text and Map Revisions Pursuant to the City's Annual Amendment and Update Process.**

City Attorney Weed noted that these first three ordinances came before Council when only 4 Councilmembers were present and a majority of the entire Council has to approve these ordinances. If they are approved tonight, they will need to be republished, he noted.

Councilmember Bartholomew moved and Councilmember Leighan seconded to approve Ordinance 2238. Passed unanimously (6-0).

- 2. Ordinance 2239 Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Bill Roberts, Harvey Jubie and Jay and Kathy Wright, Amending the Official Zoning Map Previously Adopted in Ordinance No. 772.**

Councilmember Herman moved and Councilmember Roark seconded to approve Ordinance 2239. Passed 6-0.

3. Ordinance 2240 Affirming the Decision of the Hearing Examiner and Rezoning Property Owned by Morgan Cartwright and Amending Official Zoning Map Previously Adopted in Ordinance No. 772.

Councilmember Roark moved and Councilmember Herman seconded to approve Ordinance 2240. Passed 6-0.

4. Ordinance of the City of Marysville Amending MMC 5.20.050 Relating to Operating Rules and Regulations for Entertainment Clubs and Establishing a Sunset for Said Amendments.

Councilmember Pedersen moved and Councilmember Bartholomew seconded to approve Ordinance 2244. Passed 5-1 with Councilmember Wright against.

INFORMATION ITEMS:

Mayor's Business:

Mayor Weiser announced a meeting with Councilmembers, the Economic Development Council and Tulalip Tribes regarding North County's Economic Development, Tuesday, April 6 at Fanny's. This was set up in response to discussion at the recent Council Retreat.

On Thursday 3/25 from 9-Noon there will be a Snohomish River Basin Salmon Recovery Meeting at the Evergreen State Fairgrounds Long Room. Mayor Weiser also mentioned an upcoming Commute Trip Reduction Program Public Hearing to be held 3/24 at 10:30 a.m. before the Snohomish County Council.

Staff's Business:

Commander Winters reported the Police Dept. had a retreat recently which was very productive; they are currently going through the accreditation process and will be going to Grays Harbor County 3/30 and 3/31 (Commanders Krusey and Winters) to share information about the accreditation process with Grays Harbor County.

City Administrator Zabell reported he met with the Tulalip Tribes last week on a sanitary sewer agreement with the City and there will be another meeting this week with them.

City Attorney Weed reported he is still putting together a resolution on certain Council meeting procedures, based on discussion at the recent retreat.

City Planner Hirashima reported the Planning Commission held the Area Wide Rezone Public Hearing and this will be coming before Council at their next meeting.

Public Works Director Winckler referred to the Capital Facilities Projects List in the packets and invited Councilmembers to call him if they have any questions after reviewing it. He reported that the traffic signal at First & State was operational as of last Friday; 67th & Grove will still be another month. He also reported the next quarterly development meeting will be tomorrow at 7:30 a.m. at Rivers Inn and they will discuss road/street standards.

Call on Councilmembers:

Councilmember Bartholomew asked about the City of Marysville considering "adopting" the USS Ingraham; there will be a meeting 3/30 at the US Naval Station. She noted the crew serves as mentors at Liberty Elementary, as well as other community activities. She invited Councilmembers to attend a day long meeting of the Snohomish County Solid Waste Committee to be held in Everett on 4/8/99.

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Councilmember Herman said he would like to attend the 4/6/99 meeting at Fanny's.

Councilmembers Bartholomew, Wright and Leighan also indicated they wished to attend.

Councilmember Wright had some very positive comments about the Safety Fair last Saturday and it was noted there were 3 helicopters there, which was a real attraction.

Councilmember Pedersen said she will be attending the Building Committee Meeting tomorrow and then will be going to Olympia and will be away until Thursday evening. She asked about the next Police Advisory meeting and Commander Winters said he would follow up on this.

Councilmember Roark said he also wished to attend the 4/6/99 lunch at Fanny's as well as the AWC upcoming meeting. He noted he will not be at the USS Ingraham meeting as he will be the driver for the kids going to the Naval Station that day.

Mayor Weiser reported that next Monday night, students will be here from Liberty Elementary's sister school in Hiroshima, Japan.

ADJOURNED: 9:01 p.m.

EXECUTIVE SESSION: 9:10 p.m. to 9:12 p.m.

RECONVENED:

Commander Winters updated Council on a current police matter.

EXECUTIVE SESSION: 9:13 p.m. to 10:09 p.m.

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

RECONVENED & ADJOURNED: 10:09 p.m.

Accepted this 5th day of April, 1999.

David Weiser
 MAYOR

Mary Swanson
 CITY CLERK

Standa A. Iverson
 RECORDING SECRETARY