

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JUNE 28, 1999**

| | |
|---|--|
| CALL TO ORDER/FLAG SALUTE | 7:00 P.M. |
| ROLL CALL | Roark absent - excused |
| MINUTES OF PREVIOUS MEETING 1. June 14, 1999 | Approved with corrections. |
| AUDIENCE PARTICIPATION | Marlene Rose, Jeff Seibert |
| PRESENTATIONS/PETITIONS/COMMUNICATIONS | None |
| CONSENT AGENDA 1. Approve June 28, 1999 claims in the amount of \$402,343.46 paid by check Nos. 035716 and 46251 through 46507. 2. Affirm Hearing Examiner's Decision to approve the request for rezone, preliminary site plan, shoreline substantial development permit, and preliminary plat approval for Harbor View Village, PA 9705019. 3. Approval of Approval of liquor license renewals for Captain Dizzy Exxon, DMS Gas, Jim's Texaco & Grocery, and Smokey's Cascadia. | Approved as presented. Approved as presented. Approved as presented |
| ACTION ITEMS | |
| REVIEW BIDS 1. Cedarcrest Golf Course clubhouse remodel 2. Aspirating Aerators, 3 units | All bids rejected. Delayed to July 6 meeting. |
| PUBLIC HEARING 1. L.I.D. No. 70 (continued from June 7, 1999) 2. Interlocal agreement with Snohomish County concerning annexation and urban development within the Marysville UGA (cont'd from June 14, 1999) | Cont'd to July 12 meeting. Approved; authorized Mayor to sign. |
| CURRENT BUSINESS 1. Snohomish County Emergency Radio System (ERS) interlocal cooperation agreement (cont'd from June 14) 2. 116 th Street Master Plan (cont'd from June 7) 3. Department of Ecology TMDL non-point source pollution study (cont'd from June 14) | Authorized Mayor to sign. Directed staff to proceed and bring overall plan, costs and timeline to July 26 th meeting for approval No agreement on workshop date |
| NEW BUSINESS 1. Temporary water agreement with Snohomish County P.U.D. 2. Resolution authorizing the approval of variances for single residential utility connection outside RUSA to Trunk D Phase II-A. 3. Addendum to 1995 agreement between City of Marysville and Tulalip Tribes to wheel water. 4. Utility variance - Art Williams Jr. - UV99-006 5. Utility variance - William Cross Sr - UV98-103 6. Utility variance - Smokey Point Cedar Homes - UV 99-004 | Authorized Mayor to sign. Approved with an extension of the application period. Approved Approved Denied Cont'd to July 12 meeting |
| ORDINANCES AND RESOLUTIONS | |
| 1. Ordinance amending Ordinance 2218 relating to the 1999 budget and providing for certain expenditure items as budgeted (a budget amendment to fund the Equipment Repair and Replacement Program) (cont'd from June 14) 2. Ordinance affirming the decision of the Hearing Examiner and rezoning property owned by Erkki and Ismo Kotilainen amending the official zoning map of the city. 3. Ordinance affirming the decision of the Hearing Examiner and rezoning property owned by Larry and Teresa Trivett amending the official zoning map of the city. 4. Resolution declaring certain items of personal property to be surplus and authorizing the sale or disposal thereof. | Approved Ord. 2263 Approved Ord. 2264 Approved Ord. 2265 Approved Res. 1932 |
| LEGAL MATTERS | None |
| INFORMATION ITEMS | |
| 1. Mayor's business 2. Staff's business 3. Call on councilmembers | |
| ADJOURN | 11:00 p.m. |
| EXECUTIVE SESSION | Discussion of real estate right-of-way matter. |
| RECONVENE | No action taken. |
| ADJOURN | 11:10 p.m. |

MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
JUNE 28, 1999

CALL TO ORDER/FLAG SALUTE

The meeting was called to order by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute. A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:
Dave Weiser, Mayor
Donna Wright, Mayor Pro Tem
Shirley Bartholomew
NormaJean Dierck
Otto Herman, Jr.
Mike Leighan
Donna Pedersen

Administrative Staff present:
Dave Zabell, City Administrator
Robert Carden, Police Chief
Ed Erickson, Finance Director
Gloria Hirashima, City Planner
Grant Weed, City Attorney
Tom Laughlin, Public Works Construction Supervisor
Jim Ballew, Parks and Recreation Director

Councilmembers Absent:
Brett Roark

Mayor Weiser reported that Councilmember Roark was absent to attend a family function, which required Council approval in order to be deemed excused.

MOTION by Bartholomew, second by Pedersen, to excuse the absence of Councilmember Roark as it came under the heading of "family values."
Motion carried unanimously (6-0).

ADJOURN TO EXECUTIVE SESSION

Council adjourned into Executive Session in the Jury Room at 7:05 p.m. to discuss a real estate matter. Councilmember Bartholomew immediately excused herself from the Executive Session due to a conflict of interest; she returned to the Council Chambers at 7:06 p.m.

RECONVENE

Council reconvened into regular session at 7:18 p.m. and resumed the balance of the scheduled agenda. Councilmember Bartholomew restated that she had immediately excused herself due to a conflict of interest.

MINUTES OF PREVIOUS MEETING

1. City Council meeting June 14, 1999
Councilmembers noted the following corrections:
 - Page 1, last motion, Dierck voted nay because "of the letter from the School District;"

MOTION by Pedersen, second by Bartholomew, to approve the minutes of the June 14, 1999 meeting as corrected. Motion carried unanimously (6-0).

AUDIENCE PARTICIPATION

Marlene Rose, 5005 80th Street NE, Marysville, addressed Council regarding the sewer project in front of her house. She noted she lived in the county but the city/county line ran through the middle of her road. She had not been contacted by anyone throughout the project, even though she had requested information. The construction had caused her hardships: she was unable to work in the yard without ear protection, and was under a doctor's care for an inner ear imbalance; her yard had been dug up several times because it was the closest one to the pipes; she had to leave her house several times because of the noise; five feet of her driveway had been jackhammered out and was now so steep she couldn't get her garbage cans out. Ms. Rose asserted that the property line markings had been disturbed during construction. She asked for assurance that the road would be repaved with cement and would be at the same level as it had been previously. Mayor Weiser responded that there were several questions regarding that project and he would check with staff and get a response to her.

Jeff Seibert, 5004 80th Street, Marysville, reiterated the condition of 80th Street at the above-mentioned project. He asserted the contractor did not have all his drawings

completed before the work was started. He expressed offense at the developer's statements in the *Marysville Globe* that neighbors were stealing materials from the project. On another topic, he questioned why the city-wide rezone sign was still up on the south end of town. Thirdly, he questioned the council's action at the last meeting regarding signage at Jennings Park. The council had not followed through with the directives of its motion at the May 12th meeting. Since the action it took differed significantly, it should have allowed public comment.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

CONSENT AGENDA

1. Approve June 28, 1999 claims in the amount of \$402,343.46 paid by check Nos. 035716 and 46251 through 46507.
2. Affirm Hearing Examiner's Decision to approve the request for rezone, preliminary site plan, shoreline substantial development permit, and preliminary plat approval for Harbor View Village, PA 9705019.
3. Approval of liquor license renewals for Captain Dizzy Exxon, DMS Gas, Jim's Texaco & Grocery, and Smokey's Cascadia.

MOTION by Bartholomew, second by Dierck, to approve items 1 and 3. Motion carried unanimously (6-0), with Councilmember Leighan abstaining as to check number 46377 in item 1.

Regarding item 2, Councilmember Dierck asked about the length of the development along the Boulevard; Ms. Hirashima responded it was approximately 1,400 feet. Councilmember Dierck expressed concern that the city was not installing a crossover walkway as the school district had suggested. Ms. Hirashima recounted the improvements which were required and which were based on designs already in use in the city.

MOTION by Bartholomew, second by Pedersen to approve item 2. Dierck voted nay; all others voted aye; motion carried (5-1).

ACTION ITEMS

Review Bids

1. Cedarcrest Golf Course clubhouse remodel
Councilmember Bartholomew excused herself from the deliberations due to a conflict of interest and withdrew from the Council chambers.

Mr. Ballew presented the staff information, noting the bids were significantly higher than the project budget and the architect's estimated cost. Discussions with contractors indicated this was from the abundance of work in the industry and labor premiums. He added that staff recommended rejection of all bids to allow for a review of the project's scope of work in order to develop a phased project proposal in conjunction with recommendations for alternate operations and management proposals. A revised project package, management plan and funding analysis would then be brought back to council for discussion.

MOTION by Pedersen, second by Leighan, to accept the staff recommendation and reject all three bids on the Cedarcrest Clubhouse, requesting staff to provide further analysis through the Building Committee and bring a revised project back to council. Motion carried unanimously (6-0).

Councilmember Bartholomew returned to the meeting at this point.

2. Aspirating aerators, 3 units
Mr. Zabell reviewed the agenda material, specifically noting the reasons why the lowest bidder had been deemed non-responsive.

Councilmember Herman commented this same situation had occurred previously and wondered if staff had clearly communicated the specifications; Mr. Zabell responded that they had. Councilmember Pedersen remembered the previous situation, also, and suggested that if only one company could meet the specifications, then this bidding process should be changed. Councilmember Bartholomew asked if this had been advertised extensively; Mr. Zabell responded there were not many manufacturers and

this was not a common piece of equipment. For a bid this small, staff did a direct mailing to known suppliers.

Mr. David Koons, Process Sales Engineer, H. D. Fowler Company, representing the rejected low bidder, told the council he felt very strongly and positively about their equipment. He encouraged the council to save the city money by accepting the lowest bid or table action to allow for a complete discussion of their equipment. He mentioned the research which had been done in other areas, and how his projects came out the leaders when measured by performance – mixing efficiency, oxygen transfer and oxygen hang time. He agreed there had been problems with the units in Everett, but that lagoon's location next to a pulp mill with high grit intake was very different from Marysville's and from their other 60,000 installations around the world. He noted that Marysville already owned and operated several Aeration Industries units on the cleaner, smaller side of the lagoon. The last time a part had been purchased was 1994; the units were smooth running and did a good job.

Councilmember Pedersen noted the negative letter from Everett was dated over one year ago, so a delay for reconsideration might be appropriate. Councilmember Herman asked about performance history, the background on the specifications, and the legalities of exempting a bidder. Attorney Weed responded that if the city wanted to revise the specifications it was willing to accept, it would be appropriate to reject all the bids and re-bid the package. He suggested it would be appropriate for staff to meet with someone from the bidding firm to learn more about whether the equipment actually met the specifications. Unless council determined to reject all bids and re-bid the package, it should make findings in any motion regarding whether the specifications were met by the low bidder and, if not, then rejecting the same for cause. If council found that the specifications had been met, it could accept the low bid.

Dale Thayer, wastewater treatment plant supervisor, provided council with additional historical and background information, noting the hollow shaft aerators were a maintenance nightmare because they became bound up with hair, which destroyed the bearings. The hollow shaft was not as strong as the solid one. His other points included:

- An updated letter was coming from Everett about their negative experience with Aeration Industries products.
- There was less fouling with the Aeromix units because they had a solid shaft.
- The AI motors were proprietary and had to be purchased directly from them; the others were readily available.
- The AI pontoons were polyethylene; Aeromix's were made of stainless steel and were much stronger.

Councilmember Herman supported delaying this decision until the current letter was received from the City of Everett and additional information provided to council showing its pertinence to the model and use contemplated here.

MOTION by Herman, second by Bartholomew, to delay awarding of the aerator bid until the July 6 meeting to await the letter from the City of Everett regarding their experience and to allow an opportunity to verify that the use and models were similar to what the city plans to purchase. Leighan voted nay; all others voted aye. Motion carried (5-1).

Public Hearing

1. L.I.D. No. 70 (continued from June 7, 1999)
Jorge Garcia of Hammond, Collier & Wade-Livingstone reviewed the agenda packet information regarding the zone and termini vs. square footage calculations. He noted this method was set out in RCW 35.44.30 and 35.44.40. Mr. Garcia noted that applying the calculation resulted in weighted front feet which meant a higher assessment for those parcels closer to the improvements and which benefited more from them.

MOTION by Dierck to reopen the public hearing. Motion died for lack of a second.

Mr. Zabell noted there would be more information available at the July 12th meeting, namely a cursory review from an MAI appraiser. Attorney Weed added that bond counsel Steve Gados would be available at that meeting to discuss the appraisal work and potential deferral of payments for economically disadvantaged persons. He reviewed the public hearing requirements, noting the council might desire to conduct a further public hearing because additional area had been added and some parcels had received an incorrect assessment.

Councilmember Pedersen asked that the property owners who were newly included in the L.I.D. be given notice of future hearings on the issue. Mr. Zabell expressed reluctance to formalize notice to them until council had determined the assessment method which would be used. Councilmember Pedersen emphasized the importance of notifying these people, even informally. Attorney Weed added that there would be additional opportunities for public input as the process progressed.

Councilmember Dierck requested a more readable map and asked if any opposition had been voiced to staff; Mr. Zabell responded in the negative.

MOTION by Bartholomew, second by Herman, to continue the L.I.D. public hearing to July 12 for receipt of further information, noting that the public testimony portion of the hearing remained closed. Motion carried unanimously (6-0).

2. Interlocal agreement with Snohomish County concerning annexation and urban development within the Marysville UGA (continued from 6/7/99)
Ms. Hirashima gave the staff presentation, noting the County Council had rescinded its motion to review the 51st Street annexation and had declared itself pleased with the progress on the agreement. Attorney Weed reviewed the latest changes to the language, which had been incorporated. He noted that a question remained regarding the wording of 6.1 "Transfer or copying of records." He suggested council approve the interlocal agreement subject to acceptable language being agreed upon between himself and the county prosecuting attorney. If they could not agree, the topic would be treated in a separate agreement later.

Councilmember Dierck asked for clarification regarding the park mitigation funds. Ms. Hirashima explained the city would receive a portion of funds paid to the county if an annexation took place fairly soon after that payment and there were unspent funds remaining.

MOTION by Bartholomew, second by Wright, to authorize the Mayor to sign the interlocal agreement, subject to finalization of the text changes as verbally outlined by the City Attorney. Motion carried unanimously (6-0).

Current Business

1. Snohomish County emergency radio system (ERS) interlocal cooperation agreement (Continued from June 14, 1999)

Mayor Weiser clarified the information on voting which he had presented at the June 14th meeting, adding that council had approved participation in the 800 MHz system last year and the current document embodied the governance portion on how that decision would be carried out.

Commander Winter noted that Marysville's 33,477 calls for service in 1998 represented all calls to the dispatch center, excluding fire. He added that the Washington State Patrol would not be sharing this frequency but local units could still contact them because the city's vehicles would have both 800 MHz and VHS on their consoles. Fire dispatch would stay in VHS; communications between police and fire units at a scene would be accomplished by a patch.

Tom Howell, SnoPac, 3000 Rockefeller, Everett addressed the fiscal year as set out in the contract (7/1 through 6/30). The parties to the agreement originally hoped to complete it by the end of 1998; when that deadline was missed, they agreed to have the agreement begin July 1. The assessments to the participating municipalities would be on a calendar year basis.

Attorney Weed spoke to the issue of the ERS itself having few assets, while the participating municipalities would have the "deep pockets" in case of a lawsuit. He stated that while he could not give assurance that there would be zero liability to individual members, a separate non-profit corporation had been formed to shield their assets. Only the assets of that non-profit corporation would be subject to recovery in the event of a suit.

Mr. Howell stated that SnoPac and SnoCom would remain as entities. During Phase 2, which would be fully funded by the county, they could come on board. The intent was to have the founding ten entities, only, in Phase 1. Commander Winter added the city's fire department would not be part of Phase 1. There was some concern whether the system would technically give the fire district full coverage; that would be resolved by Phase 2.

Mr. Howell added that filler sites would be developed before Phase 2 to accommodate rural and some specific site needs in the county: Darrington, Barlow Pass, Everett

tunnel, Edmonds waterfront. He next spoke to the proposed budget, noting that the \$30 Million for both phases represented reliable numbers with no consideration for the savings that would come from vendor discounts or site sharing.

Mr. Erickson noted that Marysville's share, \$180,000, had been set aside. Other services had been sacrificed to accommodate the program, and this left little room for additional programs next year. The city's budget would basically be status quo plus 800 MHz.

MOTION by Bartholomew, second by Pedersen, to authorize the Mayor to sign the Snohomish County Emergency Radio System Interlocal Cooperation Agreement. Motion carried unanimously (6-0).

2. 116th Street Master Plan (Continued from June 7)

Ms. Hirashima presented the information from the agenda packet, noting that four property owners who had testified during the June 7th had received notice of tonight's meeting. Attorney Weed referred to his memorandum to council.

Jeff Seibert asked about the process. Ms. Hirashima responded that the city would provide initial funding and obtain the services necessary for creating a sub-area plan for the 116th Street area. The property owners would then reimburse the city. Mayor Weiser added that originally the property owners were going to do the master plan but that was not a workable arrangement so under the current proposal the city would take the lead and fund the planning then recoup its costs from the property owners. Mr. Seibert suggested communicating with the property owners about this process.

Gary Petershagen, 505 Cedar Suite B-1, Marysville, representing Bellmark Properties suggested that the direction from council on June 7th had been for staff to actually draft the scope of work and define the costs for doing the plan. Ms. Hirashima responded that the first step was to determine if council could amend the comprehensive plan, and that question had now been answered in the affirmative by the City Attorney. Mr. Petershagen then expressed concern about the property owners not knowing ahead of time the cost of creating the plan. If the cost for the city to do this was too high, they might choose to do it themselves.

Attorney Weed observed that the City of Mill Creek had gone through a similar process, wherein the city and Planning Commission were the predominant movers and put the plan together with the use of a highly skilled consultant and a lot of input from the property owners. Ms. Hirashima added that a plan for the area was critical and the Tribes controlled access to a major part of the property along 116th Street, so the property owners needed to be involved in discussions and negotiations. Suggested next steps included: contacting the Tribes regarding their level of interest in participating, drafting the scope of work, sending a proposal to consultants for estimates of fees and timing, determining if a budget amendment would be required, consulting with the City Attorney regarding the reimbursement structure.

There were no further comments from the audience.

MOTION by Herman, second by Dierck, to direct staff to proceed with the process of amending the comprehensive plan to accomplish the 116th Master Plan by making the contacts as described, including the Tribes to ascertain their willingness to participate, and cost and timeline estimates and report back to council on July 26th. Motion carried unanimously (6-0).

3. Department of Ecology TMDL non-point source pollution study (Continued from June 14, 1999)

Mayor Weiser noted that staff had recommended that council hold a workshop on the study, advertise and hold a public hearing on the study, or take action to adopt the study.

Bruce Tipton, 6308 100th Street NE, suggested a two-part approach to adopting the plan: 1) adopt the DOE TMDL non-point study to be used by staff and Hearing Examiner to reduce existing hazards and protect the public and 2) adopt the study as part of an overall plan to embark on clean up of waters. The city should initiate a dialogue with DOE and EPA and determine what is needed to complete the TMDL studies and proceed to get them done. He offered his help. He encouraged council to adopt the TMDL study and the Quilceda Allen Creek Watershed Management Plan as part of the best science available for protecting the public health. Regarding the costs of implementation, he suggested it should come from the city's general fund because it addressed a public health risk. He had no suggestions for those areas outside the city. Councilmember Dierck mentioned the Clean Water Fund.

Jerry Hawley, 15222 72nd Drive NW, Stanwood, spoke on behalf of the Tribes and assured council that they were working diligently with Olympia and county authorities to clean up the water on the reservation.

Councilmember Herman expressed a reluctance to move towards adoption of the plans until it was clearly understood what the meant. Would they supersede existing codes and land use plans or have equal weight?

MOTION by Herman, to schedule a workshop on these studies for July 19th. Motion died for lack of a second.

MOTION by Dierck, second by Herman, to schedule a workshop at 7:00 p.m. on August 16th for the DOE TMDL study, only. Leighan, Wright, Pedersen and Bartholomew voted nay; all others voted aye; motion failed (4-2).

New Business

1. Temporary water agreement with Snohomish County P.U.D.

Mr. Zabell gave the staff presentation, noting this affected the Sunnyside area, which had no adequate water source during the summer months except the city's pipeline. The city would charge a flat rate to the P.U.D. for its water and the P.U.D. would charge their regular customer rates to the consumers. He stated the fee of 60¢ per 100 feet covered the city's costs.

Councilmember Herman noted the Utility Committee desired a permanent agreement, but it was not completed. The proposed temporary agreement would put something into place for the affected property owners while the permanent agreement was being finalized.

MOTION by Herman, second by Leighan, to authorize the Mayor to sign the Temporary Water Agreement and have staff continue to work towards a permanent agreement. Motion carried unanimously (6-0).

2. Resolution authorizing the approval of variances for single residential utility connection outside RUSA to Trunk D Phase II-A.

Comments from councilmembers included:

- Need to know the number of property owners who have agreed to or have objected to the resolution.
- Clarification regarding when the one-year appeal period starts running. Attorney Weed responded that final acceptance of the project was a date certain and the clock would start running from then.
- Should property owners be allowed an extension within which to file? Attorney Weed noted it was the city's practice when a variance was granted to allow a person to come in and apply for an extension. The council must consider if it wanted to apply that process.
- Was this envisioned in the sewer comp plan? Mr. Zabell responded in the affirmative.
- There was an advantage to having people on sewers, rather than septic systems in this area.
- The variance should be offered in exchange for some right-of-way.
- A one-year timeline made sense.
- Property owners should receive notification.
- Need to clarify the revenue the city would lose in hook up fees. Mr. Zabell responded this resolution allowed property owners to purchase connections from the city; it didn't give them the connections. The only thing they wouldn't pay for was frontage fees.
- An existing house on a large tract would not pay a frontage fee now, but if it was later subdivided, they would have to pay. This serves to protect property owners from having to change the use of their property.

Mr. Zabell emphasized this resolution was not a final offer for anyone but was a tool more marketing and getting the easement.

Orville Petersen, 3816 71st Avenue NE, stated there were originally two or three property owners who were in opposition; he thought there was just one now.

Jeff Seibert suggested a longer time period to hook up or the granting of an extension.

MOTION by Herman, second by Bartholomew, to approve the utility variance for connections outside the RUSA boundary and allowing a period of one year after acceptance of the construction of Trunk "D," Phase II-A for connection by the subject property owners, and further allowing an extension of the application period of up to six months for good cause shown as to why the connection cannot be accomplished within the one year timeframe. Dierck

voted nay because the information was not available about the number supporting and opposing; all others voted aye; motion carried (5-1).

MOTION by Pedersen, second by Bartholomew, to approve Resolution 19-31 implementing the above motion. Motion carried unanimously (6-0).

3. Addendum to 1995 agreement between City of Marysville and Tulalip Tribes to wheel water

Mr. Zabell backgrounded council, noting this would allow for the installation of a master meter from which the Tribes could run a small line to service some residents. This would be a temporary solution, for three years or less, until a different source could be found.

Terry Hawley, spoke for the Tribes, noting there were families along 19th who had effluent rising within a few feet of their wells. A temporary chlorine system had been put in place for them, but the city's water was needed to combat this health hazard. He also mentioned the Art Williams residence, which had been without water or sanitary services for over a year due to a break in the line at Marine Drive. It was not feasible to repair the line because the county planned major work on Fire Trail Road and this would be the only traffic way open during that time. It would cost the Tribes \$86,000 to provide service to this residence, but it was only 20 feet away from the city's line. He stated the Tribes were working for grants through several agencies to support a permanent solution, but urged council support of the proposed action.

Mr. Zabell reported the implementing resolution would be on the agenda for the next council meeting, then the Tribes could pay the fee and a crew dispatched to begin the work. The whole process would be expedited.

MOTION by Herman, second by Pedersen, to approve the addendum to the 1995 agreement between the City of Marysville and the Tulalip Tribes to wheel water and authorize the Mayor to sign said agreement. Motion carried unanimously (6-0).

4. Utility variance – Art Williams, Jr., 6502 19th Avenue NE. UV99-006
Councilmember Herman expressed support for expediting the city's actions in anticipation of the resolution passing at the next meeting. Mr. Zabell agreed staff would do that.

Councilmember Pedersen asked where the property was located and would it be required to annex. Attorney Weed responded that where unique circumstances existed the city would not require annexation, and this was one of those instances. The proposed action would be considered a temporary solution until a permanent one could be put in place. If the property was on the reservation, it could not be annexed in any event.

MOTION by Herman, second by Pedersen, to approve the utility variance application for one water connection and no sewer connection, providing the applicant met all City of Marysville Municipal Codes (except 14.32.040 ¶ 1) and paid all applicable fees. Motion carried unanimously (6-0).

5. Utility variance – William M. Cross Sr., 11825 44th Avenue NE. UV98-013
Mr. Zabell presented the information from the agenda packet, explaining the line was so flat in this area that there was not effective flow. The city had worked to accommodate the school but a line there would not normally be allowed.

There were no comments from the audience.

MOTION by Leighan, second by Bartholomew, to deny the utility variance UV 98-013 for a temporary pressure system as gravity sewer (per the Comprehensive Sanitary Sewer Plan) would be installed to serve this area within approximately one year. Motion carried unanimously (6-0).

6. Utility Variance – Smokey Point Cedar Homes, Inc., a/k/a Marysville Livestock Auction, 16132 Smokey Point Boulevard. UV 99-004
Mr. Zabell gave the staff presentation and reviewed the code requirements.

Robert Edmonds, 3475 SE Camano Drive, Camano Island, spoke in support of the application, noting the road was a panhandle, not an easement road. He had thought he would not be required to run the large line because it was only servicing one restroom in a small sales office. The adjoining properties were farmland. He spoke with the Fire Marshall and he did not see a reason for running a big line but did request sprinklers be installed. This had been done.

Mayor Weiser noted he could install a larger line then hold a recovery contract for the time the other properties developed. Mr. Edmond responded that he was struggling to start his business and had not anticipated such an expense.

Mr. Zabell requested council delay its action on this request to allow more time for investigation into the circumstances.

MOTION by Pedersen, second by Leighan, to continue this matter to the July 12th meeting. Motion carried unanimously (6-0).

Ordinances & Resolutions

1. An ordinance of the City of Marysville amending Ordinance No. 2218 relating to the 1999 budget and providing for the increase of certain expenditure items as budgeted for in 1999 under Equipment Rental and Repair (continued from June 14, 1999).

MOTION by Bartholomew, second by Wright, to approve Ordinance 2263. Dierck and Leighan voted nay; all others voted aye; motion carried (4-2).

2. An Ordinance of the City of Marysville affirming the decision of the Hearing Examiner and rezoning property owned by Erkki and Ismo Kotilainen amending the official zoning map of the city.

MOTION by Pedersen, second by Wright, to approve Ordinance 2264. Dierck voted nay; all others voted aye; motion carried (5-1).

3. An Ordinance of the City of Marysville affirming the decision of the Hearing Examiner and rezoning property owned by Larry and Teresa Trivett amending the official zoning map of the city.

MOTION by Bartholomew, second by Leighan, to approve Ordinance 2265. Dierck voted nay; all others voted aye; motion carried (5-1).

4. A resolution of the City of Marysville declaring certain items of personal property to be surplus and authorizing the sale or disposal thereof.

MOTION by Herman, second by Bartholomew, to approve Resolution 1932. Motion carried (6-0).

LEGAL MATTERS

None.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business
None.

2. Staff's business
Chief Carden thanked the council for its support of the Department's accreditation process and reported it was progressing well.

Attorney Weed reported on a State Supreme Court ruling in the Arlington Smokey Point annexation case. The ruling denied the request of the appealing parties, but did not finalize the annexation; there may be other issues.

Ms. Hirashima requested council input about the fee requirement when a member of the general public, not an affected property owner within a project, wanted to submit a text amendment to the comp plan. The current fee was \$500 for a map amendment and \$250 for a text amendment. Attorney Weed advised the city could not waive the fee without taking an action via ordinance. Three alternatives were: amend the fee structure to allow a waiver in a hardship case, direct the citizen to bring it to a councilmember for placement on the docket and consequent full council review; or

direct the citizen to bring it to staff for review and possible placement on the agenda. Council concurred that adequate alternatives existed.

3. Call on councilmembers

Councilmember Pedersen:

- Reported on the Association of Washington Cities conference, particularly noting the value of having a workshop prior to the budget process to establish goals and policies under which the budget would be constructed. This seminar topic will be repeated in August and she would like to attend.
- Requested a status report on the council's suggestion to have meetings with citizens – advisory breakfasts, etc.

ADJOURN TO EXECUTIVE SESSION

Mayor Weiser noted that because it was 11:00 p.m. a motion would be required for an executive session.

MOTION by Bartholomew, second by Wright, to continue the meeting beyond 11:00 p.m. to discuss one right-of-way issue in executive session. Motion carried unanimously (6-0).

Council then adjourned into executive session.

RECONVENE AND ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 11:10 p.m.

Accepted this 6th day of July, 1999.

David Weiser
Mayor

Mary E. Daverson
City Clerk

Ann M. Overill
Recording Secretary